

*N*EGOTIATION ETHICS



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To

All those who invite others to negotiate
with wisdom and beautiful preaching



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INTRODUCTION

*N*egotiation is one of the human activities that are pursued daily by all people since they first encountered one another. They negotiate when they exchange products and services, and when they buy or sell. They also negotiate when they set up their relations, determine rights and obligations, and settle fights and conflicts in humanistic ways to achieve their goals, and prevent the eruption of wars and conflicts, which have inflicted humanity with great losses.

Negotiation gains growing significance among people in the present time because human relations are growing, and developments in most aspects of life are accelerating, whether they be economic, political, scientific, or technological. Although those developments have led to a better life, they have also caused conflicts and fights among people and nations because of differences in thoughts, concerns, goals, needs, and clashing of interests.

In addition, most organizations – industrial, commercial, scientific, political, and civil – continuously hold negotiations to organize their relations, handle transactions, and share information in order to achieve their objectives. States all over the world also conduct negotiations – commercial, political, military, and cultural, you name it – to establish relationships among them in order to hold peaceful life without wars and conflicts.

The advanced countries have already realized the significance of negotiation in achieving their goals in a highly resourceful way. Therefore, they have extended the implementation of negotiation to include all aspects of life, and established centers and institutes specialized in negotiation studies and training in order to prepare specialists who are able to carry out negotiations with others professionally and properly. This helps in setting up relationships with other nations, and ending fights and conflicts in peaceful ways towards better advancement.

However, this vital activity is not given due attention in the developing countries. For that reason, those countries still implement backward means to hold talks that often lead to the aggravation of problems instead of solving them in a sound manner.

The book is an attempt to develop negotiation process, negotiating group, mediation in negotiation, and skills of communication and persuasion, with reference to the ethics of Islamic discipline in negotiation, which emphasize respect for the opposite parties, pluralism, and diversity of opinion, and reject all kinds of terrorism and coercion – intellectual, economic, political, and social.

It is not unusual that the readers may find some slips. That if the opinions presented are sufficient to clarify the subject matter then it is Allah's favor, but if they are not then it is our own effort.

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Note

The “Aya”s (verses) of the Glorious Koran in English, quoted throughout the translation of the book, are taken from the website of the Ministry of Islamic Affairs, Endowments, and Da‘wah and Guidance, Kingdom of Saudi Arabia: (<http://quran.al-islam.com/Targama/dispTargam.>).

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CHAPTER ONE

NEGOTIATION PROCESS

Undoubtedly, negotiation is considered one of the important daily activities practiced by humans since they first contacted one another. Individuals carry out negotiations to establish their relationships, to exchange products and services, to define rights and obligations, and to end conflicts between them. The significance of negotiation grew up in the present time of development – scientific, technological and economic –, which experiences great expansion of relationships among people. This is due to the increasing freedom of expression and the possibility of disagreement and clash of thoughts. In addition, the growth of individuals' necessities in quantity and quality, and the varieties of the resources that may satisfy those necessities, have led to the possibility of conflicts and clash of interests. As a result, negotiation becomes a vital and indispensable activity in human life in the present time.

Moreover, all organizations – industrial, commercial, scientific, political, or civil – carry out negotiations of some sort or another in order to attain their goals through their activities. Likewise, the states and countries all over the world hold talks on different levels – commercial, political, military, scientific, and other kinds of negotiations – so that they are able to establish good relationships.

This, so far, emphasizes the necessity to develop negotiation skills to organize relations and end disagreement that may result from the variation in interests and opinions among individuals or organizations, or between individuals and organizations, or among states.

The present chapter deals with the concept of negotiation, and the significance of negotiation and its objectives. It attempts at defining the elements of negotiation process, its features, stages, and requirements. It also discusses withdrawal from negotiations and the necessity to develop negotiation processes.

Concept of Negotiation

The literature on negotiation gives various concepts of negotiation. Some consider negotiation as a process that is carried out between parties that disagree in opinions and pursuits, and they try to solve the conflict by joint compromises and concessions, in order to come to an agreement acceptable for all sides¹. Others look at negotiation as a communicative process between two persons or more who examine the available

alternatives to come to acceptable solutions or to reach satisfactory objectives².

Others see negotiation as the talks held between parties to arrive at a basis for agreement to put an end to an existing problem or to reach a definite goal³. Negotiation is also defined as the oral communication between two parties or more aiming at coming to a middle way for joint work or a verbal formula⁴. However, this definition lays aside the role of non-verbal communication in negotiation processes, and it does not refer to the role of negotiation in ending disagreements, as well as defining rights and obligations.

Negotiation is also described as coming to an agreement between two sides concerning what could achieve their interests and goals⁵. Besides, negotiation is defined as a dynamic adaptive process by which the negotiating sides purposefully look for a satisfactory agreement on a subject concerning joint interests⁶. Other views see negotiation as a process of interaction between disputing parties, in which they come to a joint decision to agree on issues between them⁷. However, negotiation could be defined as a communication between two persons or more in which they find adequate and acceptable solutions to problems, and attain the desired goals⁸.

According to what has been mentioned so far, one might say that negotiation is a direct or indirect communication between two sides or more aiming at setting up relations, defining rights and obligations, ending disagreement and conflicts, or agreeing on what the negotiating parties should do.

Significance of Negotiation

The Glorious Koran is full of many verses which emphasize the importance of adopting negotiation as a humanistic means to set up relations, and end disagreements that result from clashes of interests, opinions, and means of attaining goals. This is to be carried out according to the Law of Allah (HBG)* concerning religious duties and human relations. Among those verses of the Koran is the following in which Allah (HBG) instructs Prophet Mohammed (PBUH)** to invite the People of the Book to negotiate about matters of agreement with the Muslims. Allah (HBG) says, ﴿Say: "O People of the Book! come to common terms as between us and you: that we worship none but Allah; that we associate no partners with Him; that we erect not, from among ourselves, Lords and patrons other than Allah." If then they turn back, say ye: "Bear witness that we (at least) are Muslims (bowing to Allah's Will)﴾⁹. Allah (HBG) also urges the Muslim believers to mediate between clashing

parties in order to help them end their fight when He says, ﴿If two parties among the Believers fall into a quarrel, make ye peace between them﴾¹⁰, and, ﴿If ye fear a breach between them twain, appoint (two) arbiters, one from his family, and the other from hers; if they wish for peace, Allah will cause their reconciliation: For Allah hath full knowledge, and is acquainted with all things﴾¹¹.

The Glorious Koran shows that the history of negotiation started as early as the first man, Prophet Adam (PBUH), was created, or even before that when Allah (HBG) and the Angels discussed the creation of man, the Koran says, ﴿Behold, thy Lord said to the angels: "I will create a vicegerent on earth." They said: "Wilt Thou place therein one who will make mischief therein and shed blood? Whilst we do celebrate Thy praise and glorify Thy holy (name)?" He said: "I know what ye know not" * And He taught Adam the names of all things; then He placed them before the angels, and said: "Tell Me the names of these if ye are right." * They said: "Glory to Thee: of knowledge we have none, save what Thou hast taught us: in truth it is Thou Who art perfect in knowledge and wisdom."﴾¹². That negotiation ended with the Angels acknowledging Allah's (HBG) right to create Prophet Adam (PBUH) to make him His deputy on earth for the reasons mentioned in these verses.

The first negotiation between individuals was that which took place between Able and Cain, the two sons of Prophet Adam (PBUH), which failed in resolving the fight due to the clashing of personal interests, and ended with Cain killing his innocent brother. The Glorious Koran says, ﴿Recite to them the truth of the story of the two sons of Adam. Behold! they each presented a sacrifice (to Allah): it was accepted from one, but not from the other. Said the latter: "Be sure I will slay thee." "Surely," said the former, "Allah doth accept of the sacrifice of those who are righteous. * "If thou dost stretch thy hand against me, to slay me, it is not for me to stretch my hand against thee to slay thee: for I do fear Allah, the Cherisher of the Worlds. * "For me, I intend to let thee draw on thyself my sin as well as thine, for thou wilt be among the Companions of the Fire, and that is the reward of those who do wrong." * The (selfish) soul of the other led him to the murder of his brother: he murdered him, and became (himself) one of the lost ones﴾¹³.

Since that ancient time, the individuals' need for negotiation grew as they realized that one cannot stand by one's self, and that one needs to communicate. Then the development of life in all its aspects and the sophistications brought about by that development, urged humans to develop ways and manners of negotiation until negotiation became one of the modern sciences that has its own principles. At the same time, negotiation became an art that could be learned by experience. Therefore, the negotiator's ability to conduct negotiation varies from one negotiator to another as they differ in their knowledge of the basic principles of negotiation and their experiences in carrying out negotiation processes.

However, the importance of negotiation is realized through the following points:

1. Negotiation is considered one of the activities that are constantly practiced by all individuals, groups, organizations, and states, for various purposes related to interests, conflicts, goals, rights, and obligations.
2. Negotiation is an activity that is necessary for the continuity of the lives of individuals all over the world based on high humanistic manners that help to reach goals and solve complex problems.
3. Historical facts show that humanity has suffered and lost a great deal, and is still losing and sacrificing, because people do not put negotiations into effect as a manner to solve crises and problems.
4. Negotiation helps in ending feuds and hostilities. It also helps to develop a state of satisfaction and understanding between parties, as well as acknowledgement of reciprocal rights, and respect of different opinions even if disapproved. Negotiation, thus, attains the best implementation of the potentials of individuals, organizations, and states, and raises the level of life.
5. Negotiation signifies the triumph of rationality that can perceive the harmful consequences of refusing to hold talks with others to end conflicts and disagreement in logical and objective ways.

Objectives of Negotiation

Through negotiation, people aim at finding solutions to conflicts that arise between them due to the differences in aims and aspirations. They also seek to establish mutual relations and carry out transactions. Therefore, the solutions provided by negotiation should be sensible and satisfactory to all parties.

Accordingly, negotiators have to define the objectives they would wish to attain through negotiation. Those objectives should be practical, and should take into consideration the details of the situation, the alternatives, and the potentials of negotiating parties. Those objectives have to be set into four levels as the following:

1. Maximum objectives that the negotiator wants to attain
2. Minimum objectives that the negotiator would wish to attain
3. Objectives that could be relinquished
4. Alternative objectives

An example of the four levels of objectives is the negotiations that took place between representatives of the workers in a company for electric equipment marketing, and the management of that company, about the workers' quest for an increase of wages. The workers' representatives defined their maximum goal, which is to obtain the increase of wages by 20% of the wages they receive. They also defined the minimum objective, which is to get a 5% increase. At the same time, they may abandon their quest for food allowance, and they may renounce the quest of the increase of wages if the management agrees to pay four extra salaries as an advance payment to be paid in 12 months.

The negotiators' ability to attain the defined goal requires that they have full knowledge of the objectives, the circumstances, and potentials of the opposite party, as well as the pressure exerted on that party, the alternatives they may agree upon, and the concessions they could make in order to reach their goals.

It is worth mentioning that defining the objectives of both parties accurately enables them to see what alternatives to offer, and helps in measuring their ability for negotiating.

Fields of Negotiation

The fields of negotiation vary to include all human activities, most distinguished of which are the economic, social, religious, political, cultural, scientific, and technical, and other fields that require agreement among individuals. Yet, the most important fields of negotiation are those that have vital role in life, which include:

1. economic negotiations
2. social negotiations
3. religious negotiations
4. political negotiations
5. cultural, scientific, technical negotiations
6. military negotiations

1. Economic Negotiations

Economic negotiations aim at facilitating the flow and exchange of products and services, and developing the commercial relations among individuals, economic organizations, or countries. All this is done according to the national and international codes and regulations that organize economic relations to satisfy mutual interests of all parties.

Economic negotiations should ascertain that the different parties involved in commercial relations avoid exploitation, monopolization, drug trade, money laundering, and draining of natural resource of poor countries. International traffic should be organized on justice, and should support development programs for poor nations, as well as cooperation and investment.

2. Social Negotiations

This kind of negotiations aims at organizing social life for individuals and communities, and ends conflicts that arise among them owing to differences in opinions, beliefs, and manners. Social negotiations also aim at solving problems caused by divorce, separation, and custody, according to the norms and the social law of a given society. There are also the negotiations of proposals for marriage, and relations between man and wife after marriage, which are to be carried out according to the rules of conduct of a society.

3. Religious Negotiations

Religious negotiations are carried out in three directions: first, between a human and his/her self that aim at contemplating issues of faith and belief through contemplating the universe and its creation. These negotiations are vital since they enhance and deepen faith in God. They also help humans to learn, discover, and experiment, and contribute in the development of life. The Glorious Koran emphasizes this when Allah (HBG) says, ﴿And He has subjected to you, as from Him, all that is in the heavens and on earth: behold, in that are Signs indeed for those who reflect﴾¹⁴.

The second direction of religious negotiations is between individuals or groups of people who belong to one religion, which are held to end disagreements that arise from independent reasoning and analytical thought in the interpretation of a religious text or scripture. These negotiations should aim at solving the differences in opinions that result from reasoning within the framework of the religious rulings. They should help to increase faith, enhance cooperation, and bring the parties together, instead of splitting them into clashing sects and factions.

The third direction is between parties of different religions or beliefs. The aim of this kind of negotiations is to enhance cooperation

among them according to the principles of those religions, because all religions have in-common targets, which are to propagate goodness, virtue, and high morality of honesty and love. Thus, the negotiation is an attempt to show the perilous effects of going astray, and of fanaticism and enmity that lead to terrorism.

5. Political Negotiations

Political negotiations are held between states and countries to organize international relations, and deal with such issues as intervention in internal affairs, boundary demarcation, diplomatic representation, cease-fire, and ending wars, fighting terrorism, and helping other nations towards liberation and independence.

The states may hold negotiations that deal with issues concerning international law and international legitimacy, mutual respect of rights, security, handing of criminals, drug control, and other collective interests.

5. Educational, Scientific, and Technical Negotiations

Negotiations on cultural topics aim at extending the cultural interchange between states and international organizations, in such fields as technology, science, and arts, by holding fairs and conferences, and by the exchange of professors and researchers. The aim is to make use of expertise and research, to correct any misconceptions about cultures of other nations, and to promote development and growth in all aspects of life for individuals and societies.

6. Military Negotiations

Military negotiations are often intended to stop wars, or any sort of armed conflict between nations, or to sign truces. They are also held to make peace between warring states, to end battles between armed forces of two states, or to swap over prisoners of war. This kind of negotiations is characterized by secrecy, and they could be held away from political authorities.

Levels of Negotiation

1. Intrapersonal
2. Interpersonal

1. Intrapersonal Negotiation

Intrapersonal negotiation is that which takes place between a human and him-/herself. It refers to the act in which a human discusses matters of concern in order to examine and analyze situations and information of daily life, and come to resolutions or formulate an opinion or a definite attitude towards persons, issues, or difficulties one is confronting. This kind of negotiation is considered a creative and cognitive activity, and it takes place inside those who possess contemplative and creative minds, and a power for thinking deeply, as well as those who cannot express their feelings or thoughts either because of frustration or because of fear¹⁵.

Accordingly, most creative individuals make intrapersonal negotiations while they are negotiating with opposite parties, and they discuss matters tacitly because they want to make out what they should do or say to opposite parties¹⁶.

There may be inner conflict in intrapersonal negotiations, especially when the negotiator is offered many alternatives all of which can achieve the desired goals. This inner conflict has positive aspects because it enables the negotiator to study those alternatives and choose the best among them. In addition, the inner negotiation is necessary as either it enables the negotiators to put in mind more alternatives that are better in achieving goals, or they would think more over the matter and weigh up things to convince themselves of the right choice. This is a very common state of mind when one blames one's self for doing things that are generally unacceptable or harmful, as Allah (HBG) mentions in the Glorious Koran, ﴿And I do call to witness the self-reproaching spirit; (eschew Evil)﴾¹⁷. Omar bin Al-Khattab*** says in this regard, "Count yourself before you are being counted, and weigh up what you do before others weigh it up for you".

Sometimes that inner negotiation has negative effects as it prevents the negotiators from listening to the conversation of the negotiating parties, or observing the gestures, facial expressions, or tone of voice, or any sign that comes from the opposite party, when they indulge in inner thoughts. As a result, they may miss some important point, or be unable to detect the objectives, manners, or weaknesses of the opposite party.

2. Interpersonal Negotiation

The concept of interpersonal negotiation refers to the negotiations that are carried out between individuals for different purposes and for attaining innumerable objectives. This kind of negotiation may take place between two persons only, as is the case with the seller and the consumer;

between one person and a group of people like that between manager and board of staff; or between two groups of people like representatives of two political blocs. Interpersonal negotiation functions as a means to attain different objectives most important of which are those that are set to end strife or resolve a conflict, and establish peace, coalition, and mutual respect for the welfare of nations and societies. Allah (HBG) commends such negotiation, when he refers to Prophet Mohammed (PBUH) to practice it, telling him in the Glorious Koran, ﴿Say: "O People of the Book! come to common terms as between us and you: that we worship none but Allah; that we associate no partners with Him; that we erect not, from among ourselves, Lords and patrons other than Allah." If then they turn back, say ye: "Bear witness that we (at least) are Muslims (bowing to Allah's Will).">18.

During his lifetime, Prophet Mohamed (PBUH) held many negotiations with his tribe, Quraish****, and with other tribes who were hostile to Islam as a new religion. The purpose behind those negotiations was to set an example of the acceptance of the other, and to educate Muslims on the culture of difference and toleration. At the same time, those negotiations instruct the Muslims on the principles of negotiating with disagreeing sides at all times and occasions. The same is for the negotiations between Muslim groups to agree about different issues in religious matters and in the interpretation of the Koran and the Tradition, or Hadith (the sayings of Prophet Mohammed (PBUH)), within the textual rulings, to deal with new issues that arise from the development of life, and to establish unified opinions or viewpoints among Muslims. In this regard, Prophet Mohammed (PBUH) says, "Half of your opinion is with your Muslim brother", and, "We cooperate where we agree and excuse one another where we disagree".

Elements of Negotiation Process

Negotiation process consists of these elements¹⁹, as shown in Exhibit no. 1 below:

1. negotiating parties
2. issue of negotiation
3. milieu of negotiation

1. Negotiating Parties

The parties of negotiation process refer to the negotiators and the opposite negotiators. Both have their own definite objectives that they

seek to achieve through the negotiation process, based on each party's values, needs, experiences, conventions, potentials, resources, and present and future interests, as well as the circumstances in which the negotiations take place.

It should be mentioned here that negotiations usually take place between two parties, and are carried out directly or indirectly through mediators who are acknowledged by both parties. Sometimes, however, negotiations expand to include more than two parties, and in certain situations there may be other indirect negotiators involved in the process of negotiation, being related to opposite parties or having great influences on them for certain aims or interests.

2. Issue of Negotiation

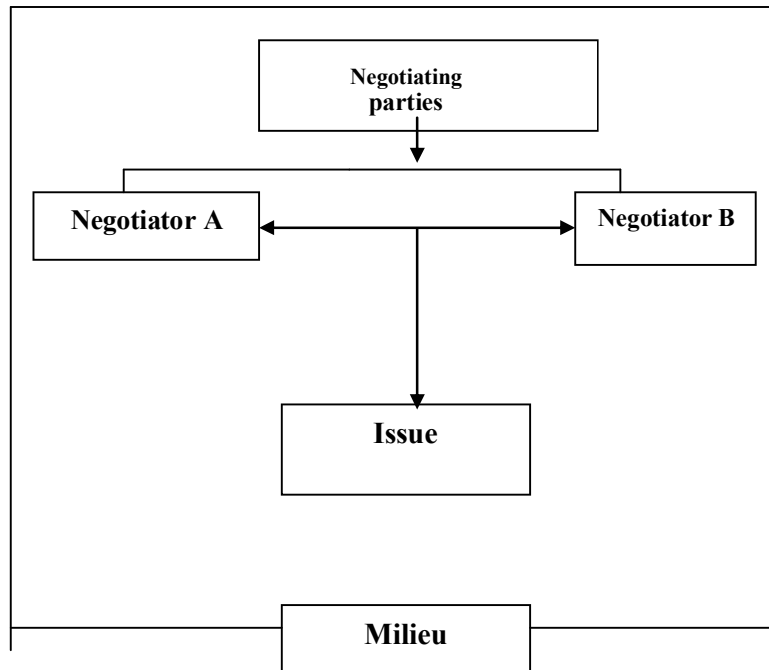
The issue under consideration represents the central point around which negotiation revolves. The issue could be political, economic, ethical, social, cultural, or any other subject. It should be mentioned here that issues of negotiation are of two kinds, according to the degree of complexity, first the issues that are complex and have great effects on the future of the negotiating sides. These require enormous efforts, and are carried out by certain individuals who have the ability and experience to conduct negotiations on such issues effectively. The other kind of issues is the easy, formal, and usual ones²⁰.

3. Milieu of Negotiation

Negotiations could not be possibly held in a void. There must be a surrounding in which there could be much challenge, alternatives, and facts – social, political, economic, and scientific –, which have great effect on negotiation process. Therefore, negotiators have to study and analyze those given facts and alternatives, and try to make use of the provided opportunities in what enables them to achieve their objectives.

Exhibit 1

The Elements of the Negotiation Process



Characteristics of Negotiation Process

1. Negotiation process is a daily activity that all individuals experience everyday and everywhere from the early past to the present, regardless of gender, age, religion, nationality, or economic or scientific prospective; and this will continue endlessly.
2. All organizations hold negotiations regardless of the nature of their activities and goals.
3. All nations and states negotiate regardless of their size, population, or degree of economic progress. Negotiations are held for military, political, or economic purposes, to continue valid agreements or contracts, to normalize relations, to establish new relations, or for other purposes determined by the mutual relations and interests among nations.
4. Negotiation process takes place between two or more parties directly or indirectly. Sometimes negotiations are one-sided, when they are held within one party, as is the case with the intrapersonal negotiations, when one tries to persuade one's self to take action or

decision about a certain subject, to change attitude, to quit a habit, or to abandon thoughts or behavior.

5. Negotiation process is optional, and depends on the will of the negotiating parties to solve their problems and their conflicts, or to exchange interests through negotiation. However, if negotiation is carried out by force, then the forced party might not interact with the opposite parties constructively during the negotiations, and would have no determination or keenness to fulfill the obligations as required of them. This may result in disagreement a second time. Therefore, the negotiating parties should be totally convinced that there is no other way to solve conflict except through negotiation, and that forcing opposite parties to negotiate ought to be avoided²¹.
6. There must be an issue to negotiate; there could be no negotiations between parties if there is no issue to make up the core of negotiation.
7. Negotiating parties should seek to attain an objective or a set of objectives through negotiations.
8. No definite manner, tactic, or strategy that could be implemented in all kinds of negotiations. Manner or strategy of negotiating is determined by the nature of the issue of negotiation, as well as the possibilities, experiences, skills, and objectives of negotiators.
9. Negotiation process is carried out in dynamic setting that is changing constantly, and is full of alternatives and facts that could be a source of power for one party, or a pressure on one of the parties, or on all parties involved in negotiation.
10. Negotiation must end up with certain results. Those results are either positive or negative for negotiating parties. Negotiation may end with failure or collapse, and the parties return to the point before negotiations.
11. One characteristic of negotiation is that the parties concerned sometimes need not meet face to face, especially in the present time of technological development. Technology of communication makes it possible for one negotiating party in the very north of the globe to contact another in the very south, east, or west, directly or indirectly. Examples of this are negotiations that are carried out via the internet, mobile phone, or closed circuit television, or any other means of satellite communication.

12. Negotiations are held for different reasons or causes, and could be held everywhere and anywhere. Thus, there is no specific reason rather than the other, and no specific place or time, for negotiating.
13. Negotiation has to contribute to the achievement of objectives of all parties involved without absolute success and absolute failure for one of the parties rather than the other. This is because the sense of defeat for one party is critical to the relationships between that party and opposite parties, and likely to push the defeated party to attempt retaliation for material or immaterial loss.
14. Knowledge in managing negotiation is not sufficient for carrying out negotiations successfully, unless it be supported by practical experience and expertise.
15. Negotiation process is carried out with one party aiming at influencing opposite parties, and seeking to persuade them to change their conceptions, motivations, acts, and wishes, and make them more inclined to end conflicts and solve problems.

Confidentiality and Publicity of Negotiations

The importance and seriousness of negotiation determine the situation in which negotiation is held, whether private or open. That is, the more the subject matter of the issue of negotiation is strategic and serious, and has a great effect on large sectors of people and nations, the more the negotiators tend to make their negotiations confidential. On the other hand, negotiations tend to be more public and open when the issues are less important, and there is not much need for confidentiality. However, some of the open negotiations involve some sort of secrecy when contracts or agreements are signed privately to determine in advance the outcome of negotiation that will be disclosed to the public. It happens sometimes that the proclaimed outcome of negotiation is quite different from the undisclosed outcome, and the open negotiation is only a camouflage intended to conceal real outcome away from the public and the parties that may be influenced by the outcome of negotiations.

It is worth mentioning that negotiations might be open in initial stages and undisclosed in succeeding stages or vice versa. However, publicity in negotiation secures coming up to a conclusion that would be agreed upon and respected by all concerned parties, and they would feel obliged to execute the articles of agreements honestly and with good intentions.

Stages of Negotiation Process

Negotiation process starts with the idea of negotiation issue to be discussed, but it does not end with signing up agreements, rather it continues after carrying out the obligations determined by that negotiation. Therefore, it is necessary that negotiators, before they sit for talks, collect data and information related to the negotiation issue, and study and analyze them, in order to assess their significance, to define the goals that could be achieved, and to put a plan for negotiations. The following are the stages through which negotiations move:

1. defining the issue of negotiation
2. contacting the parties concerned
3. preparing negotiation atmosphere
4. starting negotiations
5. ending negotiations
6. endorsing agreements
7. fulfillment of articles of agreements
8. evaluating negotiations

1. Defining the Issue of Negotiation

The issue of negotiation is considered the pivot on which negotiation process revolves. Therefore, it is necessary that it be defined carefully and objectively so that to know its dimensions, its present and future effects, the parties concerned, and whether there is necessity for immediate solutions, or possibility of postponing negotiation. Careful definition of issues enables the concerned parties to have an idea of the objectives to be attained, the manner that could be employed during the negotiation, and the concessions that might be made to the opposite parties.

The subject matter of the issue of negotiation falls into two kinds according to significance and seriousness: strategic and complex issues that have great effects on the future of negotiating parties; and simple routine issues. Complex issues require profound treatment and real solutions that are acceptable to all involved parties, in order to put an end to all problems and conflicts. Examples of such issues are those related to boundary demarcation, ceasefire and ending wars, or signing long-term

trade contracts. It is worth mentioning that dealing with such issues requires experienced negotiators and considerable efforts in addition to great expenses. Moreover, it takes a long time, which may extend many years, to come to solutions for those issues. Simple issues, on the other hand, can be resolved more easily, without much effort, and with less expenses²².

All parties should realize that all problems are negotiable, and that not any issue related to organizing relationships among individuals and defining reciprocal rights and obligations, that is not negotiable. Accordingly, the conviction that there are nonnegotiable issues reflects inability to tolerate or acknowledge the opponent, or rejection of differences in ideas. This is the main reason why problems of all kinds among individuals become worse, and war represents one form of refusal of negotiation with others to find acceptable solutions that may help in ending conflicts and preventing outbreak of wars.

2. Contacting the Parties Concerned

Accurate definition of negotiation issue helps to acquaint opposite parties with it, and then determine the means of contacting them to persuade them that negotiation is the best way out of conflict towards sound solution to problems and attainment of the goals of all concerned parties.

Contacting the parties to negotiate helps to know their goals and potentials accurately, as well as their ability to negotiate. It also enables the parties to know about the firmness of opposite parties to attain their goals through negotiation, what concessions they can make, and the minimum advantage they would like to have out of negotiation. Making contacts also enables the negotiating parties to know about the support the opposite party receives from other outside groups, nature of that support, and how to minimize the influence of those outside parties, or to influence them to change their attitudes during the negotiation.

In this stage also, the negotiating parties come to know accurately and objectively about one another's material and immaterial power or weakness. Therefore, it is necessary that the parties should not exaggerate in showing excessive power or belittling the power of the opposite side. They should make sure of real estimation of the power of opposite parties during negotiations in order to prepare for confronting that power so appropriately that one can achieve one's objectives out of negotiations. This is confirmed in the Glorious Koran when Allah (HBG) says, ﴿Against them make ready your strength to the utmost of your power, including steeds of war, to strike terror into (the hearts of) the enemies, of

Allah and your enemies, and others besides, whom ye may not know, but whom Allah doth know. Whatever ye shall spend in the Cause of Allah, shall be repaid unto you, and ye shall not be treated unjustly ﴿23﴾.

However, it should be mentioned that the word “power” in negotiation has long ago been unpleasant, and associated with the sense that power is to control and subdue, that one party is controlling another party and making them accept what that party dictates according to their own desires. This concept of power lingers in the minds of people, while it should be understood as the ability to influence attitude. It confirms the idea that power is disagreeable when it is misused, but if it is utilized well, it becomes an essential and valuable thing to have. Therefore, negotiators have to have necessary power that enables them to influence attitudes of opposite parties positively and objectively. In this regard, Prophet Mohammed (PBUH) assures that positive power is important when he says, “Strong believer is better than weak believer”.

The sources from which negotiators derive power could be divided into two categories, internal and external. Internal sources include strong character, self-respect, self-confidence, moral and material potentials, former experience, and skill in negotiation. On the other hand, there are external sources, which are inconstant, represented by the support the negotiators receive from sponsors or from the surroundings of the negotiation process.

Negotiators have to consider truth and independence when defining their power, their material and immaterial possibilities, and source of that power, and always try to develop themselves. At the same time, they have to define objectively the material and immaterial power of opposite parties and prepare to confront it, in order to be able to achieve their goals. The Glorious Koran confirms the necessity to prepare for confrontation with opposite parties, when Allah (HBG) says, ﴿Against them make ready your strength to the utmost of your power, including steeds of war, to strike terror into (the hearts of) the enemies, of Allah and your enemies, and others besides, whom ye may not know, but whom Allah doth know. Whatever ye shall spend in the Cause of Allah, shall be repaid unto you, and ye shall not be treated unjustly ﴿24﴾.

Negotiators have to consider the following points in estimating their power and the power of opposite parties:

- Negotiators should keep completely away from exaggeration in estimating their power and capabilities, so that not to be taken away with conceit and self-importance. Conversely, they should not give their capabilities less estimation than what they really are, and negotiate as a weaker party. At the same time, they should not

give less significance, or more significance, to the power of the opposite parties than what it really is.

- They should realize that no one party can totally have all elements of power at one and the same time during negotiations, while the other party is totally devoid of power.
- They have to believe that the power one of the parties possesses is not constant, and, therefore, no one party is always powerful and the other is weak all the time during negotiations. This has been emphasized in the Glorious Koran when Allah (HBG) says, ﴿If a wound hath touched you, be sure a similar wound hath touched the others. Such days (of varying fortunes) we give to men and men by turns: that Allah may know those that believe, and that He may take to Himself from your ranks martyr-witnesses (to Truth). And Allah loveth not those that do wrong.﴾²⁵.
- The power that one party has is ineffective unless it is manipulated in a humanistic way in what could make possible the attainment of desired goals of negotiations²⁶.
- Negotiators should keep completely away from abuse of right as a source of power.
- Negotiators should realize that the parties who are less concerned with negotiation or its outcome are the stronger side²⁷.

It is noticed that some of negotiators fall in grievous mistakes when they do not estimate accurately and objectively their power and capabilities, or the power and capabilities of opposite parties. This occurs when the power and capabilities of one party are exaggerated and that party would be addressed as the stronger side during negotiations, or vice versa. Both ways would have harmful effects on the process of negotiations and on the manner and method with which negotiation is conducted, as well as on the outcome of negotiations.

3. Preparing Negotiation Atmosphere

Parties involved in negotiation process have to set a suitable atmosphere for negotiation. They should negotiate away from the prevailing emotional attitude or preconceived opinions of one party towards the other that may have negative or unpleasant effects on the negotiators.

The tribe of Prophet Mohammed (PBUH), Quraish, used to construct all their views on the prevailing emotional attitude based on their refusal to believe in Islam, whenever the idea of holding a

negotiation with him to accept the new religion was presented to them. This refusal was Quraish's own feeling or attitude towards Prophet Mohammed (PBUH), that he was a human like them and no better than them to invite them to a new faith, and that they, not he, have power and influence. Therefore, they refused to sit for negotiations with him, ignoring the importance of the eminent goals of Islam and forgetting that all previous Prophets were human beings. This has been emphasized in the Glorious Koran when Allah (HBG) says, ﴿What kept men back from Belief when Guidance came to them, was nothing but this: they said, "Has Allah sent a man (like us) to be (His) Messenger?"﴾²⁸; and, ﴿Muhammad is no more than a Messenger: many were the Messengers that passed away before him﴾²⁹. Allah (HBG) wants those people to rid themselves of the emotional attitude they have against the Prophet (PBUH) when they accused him of insanity, He says, ﴿Yet they turn away from him and say: "Tutored (by others), a man possessed!"﴾³⁰.

In this stage, negotiators have to define the subject or issue of negotiation in the light of the available data and information. At the same time, they have to define the maximum and minimum goals they want to attain, and the concessions they may make. Then the agenda of negotiation should be prepared, negotiating group is to be delegated, mediators that may be referred to, who are concerned with the negotiation issue, are contacted, and date for negotiating is to be fixed. These stages are mentioned in the Glorious Koran when Prophet Moses (PBUH) agreed with the Pharaoh to hold a meeting for negotiation, Allah (HBG) says, ﴿"But we can surely produce magic to match thine! so make a tryst between us and thee, which we shall not fail to keep - neither we nor thou - in a place where both shall have even chances." * Musa said: "Your tryst is the Day of the Festival, and let the people be assembled when the sun is well up."﴾³¹.

In this stage also, the negotiating parties agree upon certain other formal matters such as expenses of transportation and residency of negotiating groups during negotiations, if negotiations are to be held in other countries than those of the negotiating parties. However, if negotiations are to be carried out in the country of one of the parties, then that party would pay for the guest party, and they have to offer highest quality of hospitality. The Glorious Koran draws attention to the importance of hospitality when Allah (HBG) says that Prophet Abraham (PBUH) did the utmost to welcome his guests, ﴿There came Our Messengers to Ibrahim with glad tidings. They said, "Peace!" he answered, "Peace!" and hastened to entertain them with a roasted calf.﴾³².

4. Starting Negotiation

Negotiation sessions should not start unless the involved parties make sure that they have prepared the appropriate atmosphere for negotiations, and that those parties have established mutual confidence and goodwill in the very beginning of the meeting. This has a very significant effect on the process of negotiation as it forms an idea about the negotiators' objectives, behavior, and manner of discussion in succeeding sessions.

The first session is very important to the negotiation process. Therefore, it should gain the attention of all parties involved in negotiation, because in this session, negotiating delegates are acquainted to one another, and first impressions are formed. That is why the parties should take utmost care of physical appearance, since the first impression is most of the times the last. Negotiating parties and delegates have to observe these points: to take care of outward appearance; to be punctual to show respect of time; to be careful at the choice of words, gestures, and expressions; and the host starts the greeting and salutes with friendly smile and shake of hands. But if the guest party starts, then the host should return the salutation with better greetings, as Allah (HBG) says in the Glorious Koran, ﴿When a (courteous) greeting is offered you, meet it with a greeting still more courteous, or (at least) of equal courtesy. Allah takes careful account of all things.﴾³³. The parties should also start by introducing themselves to one another by names and positions in the best manner³⁴. Moreover, negotiating parties have to be alert, attentive, responsive, tact, and watchful of the words, gestures, and expressions of opposite parties.

So far, it is clear that the first session of negotiations is often an introductory stage in which each party tries to acquaint themselves with the other. This is to be done through friendly conversation and chatting, which is not part of the subject matter of the issue of negotiation. Generally, the outcome of the first session has a great effect on the succeeding sessions of the negotiation process.

Negotiators have to develop some sort of social relations among themselves during the intervals between one session and the other. It is also preferred that each session ends smoothly with friendly talks to be like a prologue to the next session that intensifies understanding and cooperation.

The sessions of negotiation may be continuous without a break, or there maybe some pauses for few minutes. The pause allows the negotiators to refer to their authorities to acquaint them with the point of view of the opposite party and with the obstacles they are facing during

the negotiation, to ask for more information, to get more power, or to see what the negotiating groups should do in following sessions.

The number of sessions depends on several factors such as the nature of the issue of negotiation itself, since there are complex and serious issues that have vital effects on negotiating parties. Such issues require much time and, therefore, they need to be held in more than one or two sessions. On the other hand, there are issues that could be negotiated in a shorter time, in one or two sessions. Other factors include the wish of negotiators to end negotiations quickly, ability and skill of negotiators to carry out negotiations smoothly, as well as the powers delegated to negotiating groups by their authorities, which enable the negotiators to spend less time in their discussion over negotiation issues.

It must be mentioned that negotiations may reach a dead end because one of the parties forwards certain conditions that opposite parties reject vehemently. Thus, they may stop negotiations all together without any positive resolution. Negotiations may also be halted because one of the parties think that by that they can achieve some advantage in their favor, or they may be able to provide the chances that enable them to overcome the opposite parties, or wait for obstacles to be removed.

5. Ending Negotiations

After concluding the negotiations, a closing session is held in which the briefing of minutes and agreements are reviewed. The purpose of this stage is to make sure of the accuracy and clarity of final drafts to avoid any ambiguity that may cause unnecessary problems. The closing session should have a pleasant welcoming atmosphere that helps in extending future cooperation and mutual relations between negotiating parties.

In this session, the negotiation process is to be documented so accurately that it sets clearly for the involved parties all rights and obligations they have towards each other. This has been confirmed in the Glorious Koran when Allah (HBG) says, ﴿O ye who believe! When ye deal with each other, in transactions involving future obligations in a fixed period of time, reduce them to writing let a scribe write down faithfully as between the parties; let not the scribe refuse to write: as Allah has taught him, so let him write. Let him who incurs the liability dictate, but let him fear his Lord Allah, and not diminish aught of what he owes. If the party liable is mentally deficient, or weak or unable himself to dictate, let his guardian dictate faithfully.... Disdain not to reduce to writing (your contract) for a future period, whether it be small or big: it is juster in the sight of Allah, more suitable as evidence, and more convenient to prevent doubts among yourselves...﴾³⁵, and He also says, ﴿And We ordained laws for him in the Tablets in all

matters, both commanding and explaining all things ﴿﴾³⁶. The importance of documenting negotiation and its outcome is seen through these points:

- The capacity of human memory is limited, and memory cannot comprehend all details related to negotiation and agreements resulting from it. Therefore, it is necessary to use advanced techniques in order to be able to store large amounts of data and information about negotiation and obligations prompted by the process.
- The individuals, who participated in negotiation process and keep information about it in their minds, may die or lose memory with age, or become oblivious by pressure of daily labor or by accidents. As a result, the information may be lost. This has been emphasized in the Glorious Koran when Allah (HBG) mentions the loss of memory in old age, ﴿It is Allah Who creates you and takes your souls at death; and of you there are some who are sent back to a feeble age, so that they know nothing after having known (much): for Allah is All-Knowing, All-Powerful﴾³⁷; as well as the forgetfulness of humans, He says, ﴿Musa said: "Rebuke me not for forgetting, nor grieve me by raising difficulties in my case.﴾³⁸. This emphasizes the fact that humans forget, and that to depend on human memory is not good for providing required information that affirm rights and obligations of individuals. In addition, human memory does not give accurate and clear account of activities carried out by individuals. Thus, documentation and saving of documents is required of negotiating parties.
- Documentation of the negotiation process gives a good chance for other people to know about the negotiation process and its outcome, in a specific time and date. Such a chance cannot be provided if one were to depend on human memory.
- Contemporary laws all over the world emphasize the necessity to document all kinds of processes and activities in order to provide evidence that cannot be disputed. Therefore, the Glorious Koran confirms that Allah (HBG) and the Angels record all acts and sayings of humans that would be irrefutable evidence for man in the afterlife, ﴿Or do they think that We hear not their secrets and their private counsels? Indeed (we do), and Our Messengers are by them, to record.﴾³⁹; and, ﴿Every man's fate We have fastened on his own neck: on the Day of Judgment We shall bring out for him a scroll, which he will see spread open﴾⁴⁰.

- Documentation enables researchers and historians to study negotiations that take place between individuals, organizations, nations, and states in old times and faraway places, and refer to them in their work.

According to what has been mentioned so far, it is very important to make documentations of all negotiations and agreements that result from them, accurately and clearly, in order to prevent faulty interpretation or misunderstanding that may result from ambiguity of expression in formulating the drafts. Thus, specialists in linguistics, syntax, and semantics, as well as specialists in law, should read the drafts before being signed and endorsed. In addition, documentation must be made by the most advanced technology that facilitates access to documents at any time and with least effort.

6. Endorsing Agreements

The agreements that negotiations arrive at are not valid until the authorized sides endorse them during the defined period in order to start fulfillment of articles of agreements.

7. Fulfillment of Agreements

To launch fulfillment of articles that result from negotiations should be accomplished at the time and date that are fixed during negotiation process. Punctuality and honesty are imperative and should be considered in fulfillment. Parties involved in negotiations should prepare all requirements of fulfillment and should not try to change or modify any of the agreement articles unless they consult the negotiators and agree about alteration.

Historical facts tell that many complex problems emerged in this stage of negotiation process. It happened that negotiating parties sometimes would not commit themselves to the fulfillment of agreements signed with opposite parties. This could lead to breaking the agreements, and breaking up of relations. This is referred to in the Glorious Koran when it tells of agreement and breaking of it between humans and the devil. Allah (HBG) says, ﴿(Their allies deceived them), like the Evil One, when he says to man, "Deny Allah": but when (man) denies Allah, (the Evil One) says, "I am free of thee: I do fear Allah, the Lord of the Worlds!"﴾⁴¹; and, ﴿Is it not (the case) that every time they make a Covenant, some party among them throw it aside, nay, most of them are faithless.﴾⁴².

A disinterested study of the negotiations of Al-Hudaybiya Treaty

between Prophet Mohammed (PBUH) and Quraish, shows that the Prophet (PBUH) committed himself honestly to the articles in spite of their being hard and grueling for the Muslims. Yet, he wanted to give an example of the committed negotiator who fulfills the agreement as it is. As a result, the Prophet (PBUH) told Abi Jandal to go back to Quraish although he sought refuge with the Muslims, because the treaty states that the Muslims should return any of Quraish's men who flee from the tribe and seek refuge with the Muslims. The Prophet tells Abi Jandal, and all other men, "We have concluded a treaty between us and we pledged one another, and we will never betray them. Be patient and control yourself, for Allah (HBG) will provide relief and a way out for you and those of you who are helpless." He said the same thing to all those who sought protection with the Muslims, but were returned to Quraish⁴³.

8. Evaluating Negotiations

The negotiating parties have to make a impartial assessment of the negotiations they hold with the opposite parties, so that to be able to know how efficiently they carried out the negotiation process, to identify the strong and weak points, and the errors or misapprehension that have occurred, in order to avoid that in future talks and learn from mistakes.

Outcome of Negotiations

It is preferred that negotiations end with positive results that contribute to the achievement of objectives of involved parties. Yet in some cases, negotiation process does not end positively for all parties, and it comes to a dead end, which terminates the negotiation, and takes the involved parties back to the starting point. In such cases, the negotiators have to be ready to bear responsibility for material and immaterial damages that result from the failure. The following are the probable outcome of negotiation:

1. Negotiators have to try to attain goals and benefits they are looking for by negotiation. At the same time, they enable opposite parties to achieve their goals according to the win-win principle. That is, both parties should feel satisfied with the results of their negotiations, so that their relationship becomes solid, and cooperation between them continues in the future. This requires having more than a single objective to achieve, so that if the negotiators fail in achieving one of the goals, they would be able to attain other goal or goals. An example of this case is the consumer who tries through his/her negotiation with the seller to get a

product of a certain quantity and a specific quality, for the appropriate price and in the definite date. So, if the consumer fails to obtain the product for suitable price if (s)he wants it in the definite date and for specific quality and quantity, then (s)he will accept the seller's terms and sacrifice one of the objectives when (s)he finds that price is less important than quality and quantity and date of supply. The seller, on the other hand, achieves certain goals by that transaction and thus both sides win. Such a case is distinguished by saving time and effort required to end disagreement between the two sides. Specialists in negotiation management call this way of negotiation "the win-win situation". It is worth mentioning that Islam recommends this way of negotiation when Prophet Mohammed (PBUH) says, "Like for your brother what you would like for yourself".

2. One of the parties may end negotiations for their favor and the opposite parties come out of it without any result in their favor. This is known as "the win-lose situation", which is distinguished by that each party seeks to achieve their goals regardless of the loss that the other party may undergo. It must be mentioned that this case has disastrous consequences on the future of relations between negotiating parties, as the losing party would be frustrated and feel offended and wronged by unfair results of negotiations. Therefore, that party will not look for having any good relationship with opposite side, and their loss may push them to seek retaliation, or they may go as far as to trigger enmity and conflict instead of developing goodwill.
3. All parties may lose negotiations. This is called the "lose-lose situation". Such a situation may result from the insistence of the involved parties on their attitudes either because of unreasonable contention or obstinacy, or because of their inability to present alternative solutions that are acceptable to all parties. The dispute may go further as to worsen the conflict, and then it will be difficult to put an end to disagreement.

Making Concessions in Negotiations

Negotiators have to define the concessions that they could make to opposite parties before they sit for negotiation. They have to make careful scrutiny of potentials and experiences of other side, as well as the importance of concessions in solving problems and ending conflict. Therefore, the main aim behind concessions should be to encourage

opposite parties to carry on negotiations to final point, and end with signing agreements that are acceptable to all sides.

Concessions could be reciprocal between negotiating parties, and sometimes one-sided concessions are made. However, what is important is that concessions should not be considered as weakness, and should be made according to previously prepared plan, and to certain considerations as the following:

1. Concessions are to be made after making sure that they are imperative to the success of the negotiation process.
2. Concessions should contribute to the attainment of objectives.
3. Preparing a list of concessions that could be made for opposite parties.
4. Concessions that could be made must be arranged according to their importance, and it is recommended that the list start with simple or less important ones.
5. The expected advantages of making concessions should be more than material and immaterial damages. This requires careful assessment of cost of concessions, as well as profit achieved through them.
6. To try to get the other party make concessions in return.
7. Concessions are to be made divided into sets in accordance with the negotiation process and outcome of each stage of the process.
8. Proficient negotiators have to avoid taking initiative in making concessions.
9. Negotiators should not make more than one concession at a time. They should watch the reaction of opposite side during negotiations when each concession is made.

Consequences of Making Concessions

Making concessions should aim at eliminating conflict between negotiating parties, to enable them to achieve their goals in the best way possible that satisfies all parties. It is important to know that going too far in asking for concessions from opposite party leads in most cases to unhelpful results and cause a great loss not only to the conceding side but also to the other party in the long term. The reason is that the party that makes concessions may not keep good relations with the other party, or may think that the other sides have compelled them to make concessions.

A real situation shows the loss that afflicted the negotiating party that went too far in making concessions, and the opposite party that took advantage over the first party's concessions. In the end, both parties experienced some sort of loss that affected business. The first party bankrupted and the second lost because they were compelled to pay higher prices. The case was between representatives of Rolls Royce, a producer and seller of electric generators, and representatives of an airline company that purchases electric generators. The fact was that Rolls Royce agreed to sell for lower prices the first time. Then the airline company was asking for even lower prices each time they negotiated about a new transaction, and Rolls Royce was accepting. In the meanwhile, the finance department at Rolls Royce notified the company that their negotiators should not accept any request for lower prices from the airline company, but that notice passed without consideration. After contracting several transactions, Rolls Royce went bankrupt and stopped producing generators. At the same time the airline company was compelled to seek new producer but for higher prices compared with the prices it used to pay to Rolls Royce.

Withdrawal from Negotiations

Negotiators may confront different situations during negotiations. Some of those situations are positive and encourage the negotiators to go on in their talks and communication with opposite parties. They can participate with new ideas and provide better chances to solve problems, and can arrive at satisfactory results and attain their goals. However, there could be certain situations in which negotiations are dominated by factors that are not in favor of the negotiating parties. Some of those factors are perhaps unexpected, but they prevent the negotiators from carrying on negotiations smoothly to the end, and may make one or all parties withdraw before coming to a solution or a resolution⁴⁴.

Accordingly, negotiators must be bold enough to withdraw from negotiations tactfully, to retain self-dignity and avoid humility. They should do that when they feel that to continue negotiations may lead them to sacrifice their values or integrity, and make them obliged to acquiesce and make unjustified concessions. For that reason, Allah (HBG) advises the humans to endure and never to yield to the requests of opposite side. He says, ﴿So lose not heart, nor fall into despair: for ye must gain mastery if ye are true in Faith﴾⁴⁵. Following are the factors that compel the negotiators to withdraw from negotiations:

1. Negotiators have to leave negotiations when they perceive that going on in the process would make them sacrifice their values and principles, by which they may set a faulty example for others to follow. This situation happens when opposite parties practise certain manners in order to upset or provoke them, or to overcome and frustrate them.
2. Negotiators should withdraw from negotiations when opposite parties decline their commitment to submit facts and show honesty during negotiations. They should also withdraw when opposite parties try to direct negotiations towards other objectives than those previously defined.
3. Negotiators have to leave negotiations when they feel that opposite parties are abusively imposing on them what to discuss and what not to discuss from among the issues of negotiation. At the same time, they refuse to reveal certain facts to attain dishonest advantages.
4. Negotiators must leave negotiations if they find out that contrary parties are not showing honesty or straightforwardness. Also, if contrary parties explicitly or implicitly request them to agree about points against their principles of integrity. This means that they are not respecting independence of thinking and truthfulness. In such a case, withdrawal from negotiations is considered a necessity to give the opposite parties a lesson to respect honesty and mutual respect, as they are important to the negotiation process.
5. Withdrawal is imperative when one party feels that in the end they have to sign agreements against their will, which may have no consideration of their rights and harm them and their interests.
6. It is favorable that negotiators discontinue the sessions when they are certain that they do not have skill and experience to deal with opposite parties, or they have no idea about the subject under consideration, and thus fear the results.
7. Negotiators should leave the negotiations when they feel that contrary parties are intimidating them directly or indirectly, to force them to abandon their commitment to their own rights. Negotiators must know that the parties that win by using crooked means, such as intimidating, are weak and lack confidence in themselves.

It should be emphasized here that withdrawing from negotiations is not an easy thing to do in most cases, and may cause serious damage to negotiators. Yet, most difficult is to carry on a negotiation that makes

them feel as if they are outsiders or detached audience who are unable to continue negotiations efficiently.

Requirements for Developing the Negotiation Process

1. Negotiators have to be quite convinced about their case, and are ready to negotiate it with opposite parties.
2. There must be faith in the importance of the role of negotiations in ending conflicts, establishing relations, and defining rights and obligations.
3. Negotiations should start with subjects in common to negotiating parties. This follows what Allah (HBG) says in the Glorious Koran, ﴿but say, "We believe in the Revelation which has come down to us and in that which came down to you; our God and your God is One; and it is to Him we bow (in Islam).">﴾⁴⁸. Thus, it is necessary for all parties to extend the points in common and to limit the points they disagree about. In this way, they be able to bridge the gap between them in order to find solutions acceptable to all parties.
4. Negotiation has to be carried out while having a referee that is approved by all parties in order to extend the common issues and to limit the disagreed upon subjects. That is the reason why Allah (HBG) told Prophet Mohammed (PBUH) to invite others for a negotiation based on the points they have in common with him, He says, ﴿Say: "O People of the Book! come to common terms as between us and you: that we worship none but Allah; that we associate no partners with Him; that we erect not, from among ourselves, Lords and patrons other than Allah." If then they turn back, say ye: "Bear witness that we (at least) are Muslims (bowing to Allah's Will).">﴾⁴⁹.
5. The goals to be achieved through negotiations are to be defined accurately and objectively, as well as the manner by which negotiations are to be carried out. This is determined by the nature of the negotiation issue and the prospects of the opposite parties.
6. Negotiators have to realize that attainment of maximum goals through negotiations might not be possible in all cases. Therefore, they should also define alternative goals that could be achieved according to the rule which says that something is better than nothing.
7. Prior to negotiation, negotiating parties should know about one another's potentials, skill, manner of negotiation, goals, determination to attain goals, concessions to make, as well as outside supporters.

8. There must be highest degree of mutual trust between negotiating parties. This enables those parties to exchange points of view, data, and information, and to remove all kinds of doubt and mistrust. Therefore, credibility and good intent are to be the basis for all stages of the negotiation process.
9. Discussion of issue of negotiation is to be conducted in a purposeful manner and with responsive tone that develop cooperation and pleasant relations between negotiating parties.
10. It is necessary that negotiators are to be committed towards reciprocal obligations in such a way as to show good intent.
11. Negotiating parties need to develop means of communication and exchange of data and information between them, as well as skills of listening and observation in order to be attentive to what the opposite party say or do. That is, negotiators should be able to notice gestures, tone of voice, and expressions of face to discover what the opposite party tries to hide. At the same time, it is necessary that the negotiators attempt to conceal their reactions to what the opposite parties suggest or submit during negotiations.
12. Negotiators have to withhold their aims at beginning of negotiation, and would not let them be known until they be able to establish mutual confidence and know about aims of opposite parties.
13. It is preferable that negotiations give sense of satisfaction and delight to all parties, in order to make them get rid of tension and pressure that have unfavorable effect on the process.
14. Negotiators should not ignore the importance of permitting opposite parties to achieve their goals. This helps prevent negative effects that could be caused by denying rights of others.
15. Negotiators have to be fully prepared for negotiation sessions, taking into consideration circumstances and nature of the negotiation issue.
16. When negotiating parties agree to negotiate, it is necessary to explain the advantages to be gained through negotiations. It is also necessary to explain the harmful effects of the collapse of negotiation process, in order for the parties to sit for talks and solve their conflict.

CHAPTER TWO

TRAITS OF NEGOTIATORS

Allah Almighty (HBG) confirms that all people ought to take Prophet Mohammed (PBUH) as an example of good traits and acts, whether religious or secular, and of relationships with one's self and with other people. Allah (HBG) says in the Glorious Koran, ﴿Ye have indeed in the Messenger of Allah a beautiful pattern (of conduct) for any one whose hope is in Allah and the Final Day, and who engages much in the Praise of Allah.﴾¹. This verse enjoins people to follow Prophet Mohammed (PBUH) as the best example for his manners and sayings, for his patience, tolerance, and optimism, as well as for his faith and confidence in God. Allah (HBG) says in the Glorious Koran, ﴿And thou (standest) on an exalted standard of character.﴾². Prophet Mohammed (PBUH) had committed himself to the obedience of Allah (HBG) and the guidelines of Allah (HBG) that are revealed to him in the Koran. He used to do what Allah (HBG) enjoined and to avoid doing what He (HBG) prohibited, added to that are his high morality, generosity of manner, forgiveness, and forbearance. He was the last man to sin and to avenge, and if he were to choose between two things, he would prefer the easier one³.

It is worth mentioning that not all people follow the example of Prophet Mohammed (PBUH). Some do, and they are the guides that enlighten lives of people towards great humanistic goals. Unfortunately, many people are very far away from the example of the Prophet (PBUH) in all of their manners and behavior. Those people spoil life for themselves as well as for others, destroy everything, and they do all that causes God's wrath because they think only of satisfying their desires and whims. Yet, some other people fall between those two groups in various levels.

Reality proves that there are individual differences between people. Individuals vary in their behavior, manners, viewpoints, attitudes, needs, knowledge, experiences, and skills, since there are various factors and different conditions in the milieu in which they live. As a result, they are different in their goals and in the means they implement to reach those goals, as well as in their reactions to problems, in making decisions, in behavioral patterns when dealing with others, in their attitudes, in their conceptions, and in choosing alternative solutions for their problems and conflicts with other people.

As negotiators are, primarily, human beings who have parents, and who have inherited from them their traits, therefore, their figures, features, color of skin, and size have been determined for them before birth. Then cultural, social and economic milieu in which they were born determines their names, and from that milieu, they acquire their language, religion, concerns, lifestyle, ethics, and their manner of dealing with problems and solving them. This emphasizes the fact that the milieu in which negotiators live leaves its imprints on them as humans and make them differ from each other in their psychological, behavioral, and social traits. The concept of traits will be the subject matter of the following sections.

Concept of Traits

The concept of traits refers to psychological and social qualities that determine the behavior of individuals and how they respond to outside influences. Those traits could be known from the reaction and behavior of individuals, and physiological changes that occur to them in different situations⁴. The traits include psychological qualities like self-confidence, persistence, initiative, determination, and way of dealing with crises, ability to decide and to take responsibility, honesty, integrity, and optimism. They also include personal abilities to confront difficulties, to influence others, to persuade them, and to discover and manipulate potentials of others. As for social traits, they are related to capacity for establishing social relationships with other people, cooperation with them, and concern for interests of others.

An old Chinese book on priesthood and wisdom emphasizes the traits that the negotiator must be renowned with, which are: balance, simplicity, patience, modesty, appeal to others, moderation, tenderness, cautiousness, purity, generosity, tolerance, moral nobility, obedience, belief in freedom, spiritual power, righteousness, diligence, civility, ability for adaptation, and impartiality. (S)He must also be free from evil, has ability to receive information with openness of mind, has secrecy, readiness to hold talks with others and listen to them, ability to define subjects for talks, and to withdraw from negotiations in the appropriate time⁵.

Moreover, The Brethren of Purity (known as Ikhwan Al-Safaa)* see that the traits of the person who negotiates on behalf of others should be: high morality, eloquence, clarity of expression, lucidity, ability to memorize, accuracy, honesty, secrecy, consideration of rights of others, indifference, reserve, and restrain. Negotiators should not be greedy, but moderate in their stay in the host country, if they find it good, they should

not betray their authority and settle in the host land, but they have to be honest with the authority that delegates them in delivering the message and in returning with the results. They should get back as soon as the negotiations end and tell the authorities all what has happened, and should not be prejudiced in telling the truth for fear of disfavor or bad turn, for the Messenger's duty is only to preach the clear message ⁶.

In addition, negotiators must have full knowledge of the subject of negotiations, negotiation manners and communication techniques, as well as how to deal with others. They should also be calm, flexible, able to adapt to situation, and objective in defining goals and possibilities and in assessing goals and potentials of opposite parties. They should focus on achieving significant goals, and be cautious not to be intimidated when showing patience and endurance. Appearance is one of the important prerequisites of negotiators, that is, they should take utmost care of dressing up for negotiation sessions, and behaving during the process in a way as to show respect and politeness. They should be committed to negotiation agenda, respectful of opinions of others, allowing them much time to clarify their points of view and listen to them attentively, and to use humor where possible to relieve tension.

To sum up, it is impossible to list all traits of negotiators. In addition, the importance of each trait differs from one negotiator to the other according to the milieu in which they live – be it economic, social, cultural, scientific, technical, or political – and the effect of that milieu on their behavior and manners. It also differs in the effect of that milieu on the negotiators' manners that are related to their response to various emotional conditions like anger, hatred, ambition, anxiety, pessimism, optimism, doubt, and confidence in self and in others, in addition to their cooperation with others, enabling them to attain their goals, and showing readiness to take risk. Negotiators have to have other traits such as persistence, self-importance, and endurance especially when opposite parties try to provoke them during the negotiation process. Thus, the traits that may be good for one negotiator in a certain situation might not be so for another negotiator in the same situation.

It is interesting to mention that the negotiators might be able to hide their traits from others in the short run. However, others would know their character in the end no matter how they tried to conceal it. In this context Imam Ali bin Abi Talib says:

Any trait a human may have, even if he
Thinks it is hidden from people, will be known.

Negotiation Behavior

Negotiation behavior of individuals depends largely on several alternatives, such as type of negotiator's character; nature of negotiation issue in terms of its complexity and importance; behavior, skill, goals, and potential of the opposite party; and negotiation milieu⁷. Accordingly, no specific negotiation behavior is appropriate for all negotiations. Skilled negotiators should adjust their behavior in each negotiation in accordance with its particular issue, and interact with the alternatives of the situation, in order to be able to attain the defined goals with high competency. The following is a review of the unusual patterns of the negotiation behavior:

1. negotiation behavior of the domineering personality
2. negotiation behavior of the weak personality

1. Negotiation Behavior of Domineering Personality

Negotiation behavior of the domineering personality is distinguished by unrestrained desire to control and dominate all participants in the negotiation process. Such behavior might result from persecution, neglect, and deprivation, from which that kind personality might have suffered in the past throughout the stages of its development. That behavior may also be the result of the feeling that such a way of dealing with affairs helps in attaining desired goals.

The domineering character does not allow other members of negotiating group any chance to take part in carrying out negotiation process. It does not consult them, or act according to their opinions. Thus, the relations between domineering personality and opposite parties in negotiations are based on that personality's desire to win over others, and only to win regardless of the disadvantages that could wreak the opposite parties.

The negotiation behavior of the domineering personality is characterized by aggression, rudeness, and tendency to employ all possible means to attain goals and overcome contrary parties. At the same time, such a character fears failure and loss, declines to request assistance, and does not acknowledge its errors owing to its obstinacy and pride.

The atmosphere of negotiation with domineering personality is almost that of tension, distrust, and uncertainty in making decisions that can put an end to conflicts. Therefore, the opposite party would not be ready to make concessions for fear that the domineering character may go too far in demanding more concessions. Often the opposite party becomes

even more inflexible and provoking with that character who tries to control negotiations.

However, the domineering character suffers from many difficulties during the negotiations as opposite parties refuse to cooperate or to respond to its requests or suggestions. For that reason, negotiations held with that sort of character are difficult, and conflict often continues because of inability to arrive at sound solutions for problems that result from disagreement. Nevertheless, in case contrary parties have to acquiesce to domineering negotiator, then their sense of defeat and the loss they undergo would not encourage them to maintain any future relationship with that character.

The best way to deal with domineering persons in negotiation is, thus, to confront them with facts and evidences they cannot refute or deny by any means, and to explain the negative consequences which all parties will suffer in the future because of their behavior during negotiations. Accordingly, negotiation sessions must be characterized by earnestness in discussing important subjects, and by avoiding details.

It is noticed that negotiation behavior of domineering character may sometimes help them achieve certain success in the short run. However, for the long run, such behavior would generate irrecoverable material and immaterial loss for that personality, because opposite parties will no more have the desire to deal with such a person due to the loss they suffered from.

2. Negotiation Behavior of Weak Personality

Weak personality, in contrast, is characterized by being rather inclined to isolate itself and keep away from others than to participate actively in discussion of negotiation issues. As a result, such characters avoid much argument, and are ready to make crucial, but unjustified, concessions just to escape the situations that require them to confront and challenge others. Moreover, weak persons always show desire to cooperate because they are afraid of problems and disagreement.

It is necessary here to distinguish between flexibility of manner and weakness of character. Flexibility, on the one hand, is important and vital in negotiation behavior, because it helps to end conflicts and find solution to problems in a way as to attain wellbeing for all parties. On the other hand, weakness and excessive laxity cause material and immaterial damages and loss that have harmful effects on the weak side, because opposite parties intimidate the weak character and take advantage of it in order to reach dishonest gains.

Negotiation behavior of weak personality is characterized by

hesitation and fear of making decisions that help to end conflicts with contrary parties. It is worth mentioning that this kind of behavior is incongruous with the ethics of Islamic discipline, which rejects weakness of character, and at the same time, promotes self-assurance and firmness in making decisions properly. This is obvious in the Glorious Koran as Allah (HBG) says, ﴿when thou hast taken a decision, put thy trust in Allah. For Allah loves those who put their trust (in Him)﴾⁸, and, ﴿Said one of the (damsels): "O my (dear) father! engage him on wages: truly the best of men for thee to employ is the (man) who is strong and trusty."﴾⁹. The interpretation of this verse, as the Islamic scholar, Ibn Taymiya, finds, is that the power required to carry out an act varies according to type of that act and situation. Thus, the power needed for war suggests courage, experience, military training, and physical ability, while the power needed for governing indicates justice, honesty, the ability to make decisions and implement the rulings, as well as the capacity to perform duties in such a way as to attain the desired goals¹⁰.

In this regard, Prophet Mohammed (PBUH) says, "Strong believer is better than weak believer" because weak persons are unable to implement their potentials and employ existing chances appropriately and in the manner that helps achieve their goals according to Islamic Law. Another reason is that weak persons are usually hesitant in decision-making, and this has a negative effect because hesitation leads to loss of opportunities, tension, anxiety, and to the decline in the level of performance during the negotiations. The importance of self-assurance in making crucial decisions in the negotiation process in the appropriate time and situation is demonstrated in the points of discussion that depend on the factor of time. Time is an important factor in making use of opportunities, especially that hesitation in making decisions may complicate problems, augment troubles, or fail to make use of the chances for solving a conflict. Then negotiators might not be able to recover that loss in the future. In this context the Arab poet says,

If you had a point of view, be resolute,
For to hesitate is to despoil opinion.

Accordingly, it is important that the negotiators be qualified academically and professionally, and distinguished by self-assurance and ability to make crucial decisions properly according to time and situation. Prophet Mohammed (PBUH) emphasizes this when he says, "Anyone in charge of the affairs of Muslims, assigns responsibility to a man when he knows there is another more competent than him, he is betraying Allah and His Prophet." The Prophet (PBUH) also warns against the damages that may result when incompetent persons are delegated to do a job while

other more fitting persons can replace them, he says, "If any affair is assigned to a person who is not up to it, then wait for doomsday".

It is worth mentioning that there is a difference between hesitation and deliberation. Hesitation is a state which occurs when a person stops in the middle of a speech or an act due to inability to go on with it, or confusion, or lack of confidence they feel about it. Deliberation, on the other hand, means to stop in order to think and contemplate. Therefore, hesitation leads to problems, while deliberation helps to arrive at soundest decisions to attain goals.

Changing Negotiation Behavior

It is generally approved that changing behavior, especially for negotiators, is a very difficult thing to do, because change is usually challenged and confronted by resistance. Change process takes much time and effort, and sometimes seems to be impossible. However, changing negotiation behavior could be achieved depending on these factors:

1. The extent to which the negotiators have desire to change their behavior: those negotiators, who are distinguished by openness and will to develop and accept new opinions, are liable to change easily. On the contrary, it is very hard to change the behavior of negotiators who refuse openness of mind or listening to other points of view, and adhere to their own thoughts even if they be wrong.
2. The confidence of change agents in the importance of what they do, and their readiness to defend it and sacrifice for it.
3. The effectiveness of the manner with which changing of negotiation behavior is carried out. Therefore, change agents should choose most appropriate way to achieve change, because the behavior of some individuals could be changed easily when they are offered material or immaterial incentives, or through persuasive means. Yet some persons change their behavior when they are punished, or they are warned with hint of punishment. It is worth mentioning that the prophets and messengers of Allah (HBG) are change agents who were able to change peoples' behavior and attitudes by persuasive means supported by proofs

and evidences, and by the promise of worldly and heavenly reward, and at the same time, warning against Allah's (HBG) wrath if people insist on disbelieve.

However, numerous means could be used to change behavior and attitudes. Those means vary according to situations, individuals, aims behind change, etc. One of those means is noticed in Shakespeare's play *The Taming of the Shrew* (1593). The central story of this play describes Petruchio's attempts to woo the wealthy but haughty and temperamental Katharina (the 'shrew' of the title). In the end, Petruchio is able to change Katharina's behavior when he shows her the harmful effect of her acts towards others. So, while he was warned against marrying her, he had confidence that he can win and change her. First, his appeal to her beauty made her accept marrying him. Meanwhile, his behavior towards her, especially in the wedding ceremony and party, was contrary to the known conventions: he did not bring her a gift; he put on shabby clothes for the wedding, and denied her the wish to attend the party. As she felt embarrassed and ashamed of his behavior, she realized that her own treatment of others was wrong, and that she herself had caused much harm to her people, even her father and sister. Consequently, she transformed into a compliant woman.

Types of Negotiators

Negotiators have definite temper, habits, behavior, goals, and desires that are determined by economic, social, and cultural milieu in which they live, and which make each one of them unique and distinguished. The following is a review of some types of negotiators with notable behavior¹¹:

1. Offensive negotiator: this type of individuals is more cunning at attacking others and derogating them, magnifying their weaknesses and taking advantage of their little and inadvertent mistakes. Such a character does not give others opportunity to express their ideas and clarify the goals they want to attain through negotiations.
2. Emotional negotiator: the behavior of such kind of negotiators comes from their desires, whims, and emotions. Such persons are distinguished by the wish to be different, and by concern for their outward appearance, and are rather passionate in their behavior.
3. Rational negotiator: rational persons arbitrate their minds for their acts and behavior. They would not make any decision before defining goals behind those decisions, based on an extensive study of all factors that affect those goals, and they make sure of the possibility of attaining them.

4. Erratic negotiator: the behavior and decisions of this kind of individual are based on their momentary impulses. Thus, anyone who is to have negotiations with such a person has to make use of the time when their temper is inclined towards agreement.
5. Suspicious negotiator: it must be realized that suspicious negotiators do not trust data and information given to them, and they think that others are deceiving them; therefore, they keep requesting more evidences and proofs to be convinced.
6. Argumentative negotiator: this type of negotiators argues illogically everything presented to them. They are stubborn, often aggressive, and hunt for mistakes of others. They also try to divert the course of discussion towards irrelevant topics.
7. Silent negotiator: the silent negotiators use silence as a weapon in order not to express their ideas, feelings, and motives, by which they evoke opposite parties and make them feel irksome, and eventually withdraw.
8. Friendly negotiator: this kind of negotiators seeks to make strong relationships with others, facilitates things, and tries to resolve disagreements and problems smoothly.
9. Shy negotiator: such a person feels awkward during negotiations, and avoids much discussion with opposite parties.
10. Deceitful negotiator: to negotiate with such a person requires much shrewdness, skill, and cleverness in order to be able to dive deep into the self of deceitful person and know true intentions. The reason is that deceitful persons show something different from what they actually have in mind. The Arab poet describes such kind of a person saying:

It is vain to befriend a person fickle,
Sweet are his words, but his heart blazing,
Who gives you sweetness of tongue,
And growls behind you as a fox.
11. Talkative negotiator: such a person finds pleasure in talking too much on different subjects other than those relevant to the issue of negotiation. Therefore, it is necessary to allow such negotiators to talk during negotiations, and to listen to them patiently, until they feel satisfied and make a pause. Afterwards it is time to speak to them about topics of negotiation.

12. Hesitant negotiator: all those who negotiate with a hesitant person should realize that they find difficulty to make up their minds and make decisions that could put an end to conflicts. Hesitant negotiators fluctuate and change, and often renounce their decisions quickly. Therefore, it is not easy to come to final decisions when negotiating with hesitant person.
13. The impatient: this kind of a negotiator wishes to have things decided soon, in the shortest time possible. Thus, those who negotiate with the impatient person have to be prepared for concluding the negotiations in a short time.
14. Tolerant negotiator: tolerant negotiators avoid being involved in a conflict or a misunderstanding, and therefore, they are ready to make concessions to put an end to problems.
15. Austere negotiator: austere negotiators are distinguished by insistence on their attitude even if they know with certainty of mind that those attitudes are wrong. They refuse alternatives suggested by opposite parties, and think that to make concessions is equivalent to being defeated

Measuring the Competence of Negotiators

Measuring the competence of performance of negotiators requires defining the goals that should be attained by negotiations first, on condition that those goals are to be defined objectively in the light of an extensive study of all alternatives that may affect the negotiation process. Then those goals are to be compared to actual goals that have been already achieved through negotiations. So, if the attained goals are more than the presupposed ones, then the performance of negotiations is competent, and vice versa. In all cases, it is necessary to search for reasons that make negotiation performance within the desired levels, or a little bit more or less, as well as to take action that help to overcome failure in performance, and advance the positive points.

The efficiency of performance in negotiation depends on the negotiator's ability and desire to negotiate, as displayed in this equation:

$$\text{Negotiation performance} = \text{ability to negotiate} \times \text{desire to negotiate}^{12}.$$

Accordingly, negotiation performance is high when the negotiators' ability to do the job is high, and they have desire to do it. Therefore, it is necessary to give the negotiators good training and make them acquire the skills that enable them to manage different aspects of the

negotiation process very efficiently in order to increase their abilities. At the same time, they must be motivated materially and emotionally in order to increase their desire for negotiation.

Traits of Negotiators in the Developing Countries

Negotiators are the outcome of the milieu – social, economic, cultural, scientific, and political – in which they live, and that milieu has tremendous effects on the negotiators' ethics and behavior. Consequently, negotiators in the developing countries are different from their counterparts in the advanced countries in matters related to flexibility, acceptance of others and of differences, and in willingness to make concessions to reach strategic goals. In contrast, the backwardness of the developing countries is negatively reflected on the traits and behavior of negotiators. The following are the most important features that distinguish the negotiators in the developing countries:

1. They refuse to make concessions due to the conviction that this would belittle their importance as delegates.
2. They negotiate according to the strategy of win-lose, that is they try to be winners and the other party losers, by implementing all of their resources towards this end, as the Arab poet says,

If I am to die thirsting, then no drop of rain may fall.
3. Loss for those negotiators causes them great frustration, and it has considerable negative effects because their societies are oblivious of all their successes once they fail, and would not allow them the opportunity to amend that.
4. Low educational and cultural levels do not provide the negotiators with sufficient tools for creative thinking that enables them to maneuver and suggest alternatives to solve problems, and attain goal.
5. They are obstinate and insisting, and reject the opinions the others suggest even if they be right.
6. They reject different opinions, and, therefore, they negotiate according to the rule of being all right against all wrong, while they should believe that an opinion could be right and perhaps wrong, and that truth is the pursuit of believers wherever they find it they have access to it.
7. They are suspicious of the intentions of others.

8. They tend to decide matters and end negotiations in the shortest time possible, even if this would have unconstructive effects on their performance.
9. They are known for their wish to be the first who talk and take hold of speech without allowing other party to explain or clarify their viewpoints, and do not listen to others.
10. They are passionate and emotional, and can be easily provoked. Therefore, they do not have ability to hide their feelings about what is going on in negotiation.

CHAPTER THREE

FORMING THE NEGOTIATING GROUP

The present day's tendency towards the implementation of a negotiating group, rather than a single negotiator, has increased for these reasons: first, negotiations have become more complicated due to the seriousness of issues discussed. Second, the tendency among individuals nowadays is towards specialization in different fields of life because of the development of those fields. It has become difficult to find one individual who is familiar with all fields of knowledge, and has a considerable amount of information that may enable him/her to negotiate all issues. In this regard, the Arab poet says,

Tell the one who claims familiarity with knowledge,
"You know one thing, while many things are obscure to you"

Concept of Negotiating Group

Negotiating group is defined as a group of individuals, who have capabilities that complement one another, they have a common purpose, defined goals, and manner of performance, which all of them are responsible to accomplish.

Advantages of Negotiating Group

Forming negotiating group has become a subject of growing interest to those who are concerned with negotiations in different situations. Employing a group of negotiators that consists of specialists in different subjects of negotiation issue has increased. The purpose is to

raise efficiency of performance and attain desired goals efficiently as well¹.

The Glorious Koran shows that the advantages of forming a negotiating group are that its members would help and support one another in order to fulfill the negotiation process competently. The Glorious Koran tells that Prophet Moses (PBUH) asked Allah (HBG) to back him up with his brother Aaron when Allah (HBG) sent him to the Pharaoh for negotiation about sending the Israelites with him. Prophet Moses (PBUH) explains to Allah (HBG) the motives behind this request, which are that he gasps with breath and his tongue lisps, while his brother is more fluent in speech than he is. Allah (HBG) says ﴿"My breast will be straitened. And my speech may not go (smoothly): so send unto Harun﴾², and, ﴿"And my brother Harun, he is more eloquent in speech than I: so send him with me as a helper, to confirm (and strengthen) me: for I fear that they may accuse me of falsehood."﴾³. Allah (HBG) responded to this request and sent Aaron with Moses, He says, ﴿(Allah) said: "Granted is thy prayer, Musa!"﴾⁴

Allah (HBG) gives another example of the importance of supporting the negotiating group with individuals who enable the group to fulfill the task. He says in the Glorious Koran, ﴿Set forth to them, by way of a parable, the (story of) the Companions of the City. Behold, there came Messengers to it. * When We (first) sent to them two Messengers, they rejected them: but We strengthened them with a third: they said, "Truly, we have been sent on a mission to you."﴾⁵.

The implementation of negotiating group in running negotiations helps to improve negotiation performance, reach desired goals, and boost negotiation process with viewpoints and alternative suggestions of group members. At the same time, forming of group itself makes the influence of opposite parties on the group at the least level possible, and minimizes mistrust of those who do not participate in negotiation in the group members⁶.

In addition, the leading member of the group in some cases can achieve negotiation goals so efficiently by employing rigidity-flexibility strategy with contrary parties. This could be done by casting the roles of group members. For instance, the group is to be divided into two parts, one represents a pressure group against opposite parties in negotiations, and the other is the moderate group that can deal with the suggestions of opposite parties.

Stages of Forming Negotiating Group

Forming a negotiating group runs in four stages, as follows⁷:

1. establishing a negotiating group
2. defining the task of the group
3. setting criteria and rules for group work
4. undertaking the work

1. Establishing a Negotiating Group

In this stage, a group of individuals assembles to choose from among them those who are most qualified for carrying out negotiations with opposite sides. Common interests and goals should motivate them in order to set the basis of group formation. In this step, the leader of the group is also appointed, who must be familiar with the negotiation skills of the members of the group, their experiences, attitudes, and manner of dealing with problems and with others, so that to define their roles and responsibilities.

2. Defining the Task of the Group

In this step, the group leader explains to group members the desired goals, and the part that each one of them has to undertake. At the same time, the leader should establish mutual trust and consistency among the members, and combine their efforts towards the attainment of goals.

Each member of the group should look at the discrepancy between one's own wishes and the actual situation that may not enable them to fulfill those wishes, so that they would not be disappointed or frustrated. Also each one of them has to think about the extent of honesty and sincerity of other members with whom one is going to work, so that they would not be perplexed because of dissimilarity between them. Each member has to define those differences and their causes and effects on performance, in order to find means to minimize the harmful effects of differences.

3. Setting Criteria and Rules for Group Work

In this stage rules and criteria of work according to which the group should act, are established. Those rules should be clear and comprehensible by all members, and help to achieve cooperation, mutual respect, and trust. They should also enable the group to work towards the achievement of goals of the group and of negotiation. In this regard, the group leader delegates the powers that enable the group members to

negotiate efficiently, according to an extensive study in which each member is allowed to express their thoughts freely and openly. Those rules and criteria must be so accurate that they are applicable to everyone in order not to wrong any one of them. The Arab poet says about setting criteria to measure acts,

O Lord of Measures,
Has no criterion wearied you?
Then, woe to those who have been measured,
And woe to those who have measured.

4. Undertaking the Work

In this stage, each member of the negotiating group has to feel assured and comfortable so that they can do the task with enthusiasm. This is achieved by providing the members with all prerequisites of work, offering incentives and rewards to group members, and ensuring appropriate atmosphere – social, economic, and emotional. Accordingly, the group leader has to implement all thoughtful means possible to stimulate the members of the group to act in the most efficient manner, and in the best social milieu.

In this stage also, the defined goals are reviewed, as well as the manner of negotiation to be implemented with opposite parties, in the light of given facts about the negotiation process. This is done in order to take necessary action that helps to amend any deviation in performance of the group before they aggravate, and to learn from mistakes made during the defining of goals or because of decline in the level of performance of the group.

Selecting Negotiating Group Members

Allah (HBG) has selected the best of humankind to deliver His messages to people, negotiate with them, and persuade them to believe in Allah (HBG) and act according to divine Law. In the Glorious Koran, Allah (HBG) says, ﴿Allah chooses Messengers from angels and from men for Allah is He Who hears and sees (all things)﴾⁸. In many other instances in the Glorious Koran Allah (HBG) states how the Pharaoh ordered his people to select the best of the sorcerers to challenge Prophet Moses (PBUH), He says, ﴿Said Fir'aun: "Bring me every sorcerer well-versed."﴾⁹.

Accordingly, the group members and its leader should be chosen carefully from among qualified individuals who have knowledge, skill, and experience in negotiation. Then the negotiation power is clearly delegated to the members according to the goals to be achieved by the negotiation process. The delegated power should be so flexible that the members be able to deal with the latest developments in issues of negotiations, as well as the unexpected strategies and tactics of opposite parties, and negotiation agenda.

The members to be selected for negotiating group should have the capability to participate in the decisions of the group, they should also have the wish to achieve goals and establish mutual trust and understanding with other members. They have to support one another, respect differences of opinions, listen attentively, offer viewpoints and suggestions that contribute to improvement of group work, and avoid criticizing and blaming other members for their acts.

Duties of Group Leader

The group leader is the spokesperson of the negotiating group. Therefore, (s)he has to be given authority equal to that of the authority of the leader of the opposite party. (S)He should be more competent and experienced than any of the group members, and has the ability to persuade. (S)He should also be able to present the viewpoint of the group in a clear and concise manner, supported by evidences and proofs, and to deal with the issue of negotiation flexibly. Consequently, he must be distinguished by a strong and influential personality to impress the group as well as the opposite parties, and by being sensible and considerate. These qualities are mentioned in the Glorious Koran, when Allah (HBG) says, ﴿It is part of the Mercy of Allah that thou dost deal gently with them. Wert thou severe or harsh-hearted, they would have broken away from about thee: so pass over (their faults), and ask for (Allah's) forgiveness for them; and consult them in affairs (of moment). Then, when thou hast taken a decision, put thy trust in Allah. For Allah loves those who put their trust (in Him).﴾¹⁰.

The leader takes on the selection of group members, assigns their responsibilities, organizes their relations to create solidarity and agreement among them, and consults them in order to develop confidence and mutual understanding. (S)He also discusses the negotiation agenda with opposite parties, and signs agreements that result from negotiation if (s)he had the power to do so.

The leader has to hold meetings with the group members before and during negotiations, so that (s)he acquaints him-/herself with the

difficulties they face and take necessary action to enable them to do their job efficiently. (S)He also has to hold meetings after each of the negotiation sessions to assess their performance and to overcome slips, and to enhance positive points.

To sum up, the group leader should have all the qualifications and experiences that enable him/her to manage different aspects of the negotiation process, and create solid relations with the group members and among them. Or else the group would not be able to carry out a successful negotiation and then the leader would be as the Arab poet says,

If a raven were leader of a folk

They'll never win, neither will the raven.*

Number of Negotiating Group

There is no fixed rule as to how many members a group should include, but the negotiation issue may determine the number. Complex and strategic negotiations require specialized experts in different subject matters included in the negotiation issue; hence more group members than for simple issues.

The number of group members is also determined by other several factors: nature of negotiation issue, whether it is related to a strategic subject that has great effect on two states like boundary demarcation, ceasefire, economic investments of large amounts of money, or grants for financial investments. In such negotiations it is preferred that the issue is to be divided into secondary subjects and sub-groups to be formed to discuss them, in order to carry out the negotiations in a better way. As for simple routine negotiation issues, it is better to limit group members to the minimum.

The negotiating group usually consists of a leader and other members whose number is almost no less than two. In addition, it is preferred that group members are to be those individuals who are closely related to the subject of negotiation, and who are qualified for the task. The group may also include a person specialized in psychology or behavioral sciences whose role is to study and analyze the behavior of opposite group, and provide directions to his/her group about manner of dealing with opposite side.

It is worth mentioning that in some negotiations the group may seek the aid of an expert in commercial law, who provides the group with legal opinions to organize commercial relations. However, experts who provide consultation to negotiating groups are not to be considered group members.

Moreover, it is not necessary to keep the same members all along the negotiations, especially the negotiations that take a long time and require substituting the members by other new ones, who have other fields of specialty. As, for instance, when two experts join the group in the final stage of formulating agreement drafts, one specialist in financial matters, and another in law, in order to be consulted in financial and in legal obligations between the two negotiating parties.

Preparing the Negotiating Group

The negotiating group has to be very well trained in negotiation, persuasion skills, strategies, tactics, ways of communication, and human relations. Group members have to be supplied with data and information related to the negotiation issue, be familiar with legal matters and instructions concerning the issue, and acquainted with goals, potentials, and manners, as well as supporters of opposite parties.

It is obvious in the Glorious Koran that Allah (HBG) has prepared the prophets and messengers so excellently as to be suitable for the seriousness of the task they were to perform, and for the nations they were sent to, in order to deliver the message of Allah (HBG) to people, and persuade them to cherish faith in Him. For example, Allah (HBG) prepared Prophet Moses (PBUH) to be more skilful than the magicians of the Pharaoh who were the most skilled in magic at that time. The same is with Prophet Jesus (PBUH) who is prepared to be more skilful than the physicians of his time who were known for their medical abilities. Also with Prophet Mohammed (PBUH) when Allah (HBG) sent him the Glorious Koran with its powerful language to challenge the Arabs, who were competent in eloquence and rhetoric, asking them to get a text more eloquent than the Koran if they could.

It is worth mentioning that the advanced countries have realized the importance of preparing negotiators, therefore, they established training centers and institutions specialized in preparing negotiators and developing their skills of negotiation and abilities of persuasion, communication, and dealing with different situations. On the other hand, the developing countries are still suffering from lack of experience and training in the field of negotiation.

Factors Affecting the Competence of Negotiating Group

The efficiency of negotiating group depends on how much the group members are working in conformity, and on their ability and experience in negotiation. It also depends on the accuracy of the prepared

plan for carrying out negotiation process, powers delegated to the group, nature of negotiation issue, abilities of opposite side, and support of the side that delegates the group for negotiation.

Construction of viewpoints and alternatives that help in arriving at best solutions for the achievement of goals depends on active participation of group members in the negotiation process. Thus, the group leader has to encourage the group to make use of their abilities and potentials with self-reliance to attain the goals of negotiations, as well as to take responsibility of their decisions, enforce self-confidence in their abilities for creativity and innovation, and to increase their dedication to the negotiation issue.

The members of the negotiating group have to put their potentials into action during the negotiation process, and present their suggestions to the leader to enable him/her to fulfill negotiations efficiently. They also have to attend all negotiation sessions, and make use of the time specified for each session in discussing subjects related to the issue. At the same time, they must distance themselves from the subjects that may raise dispute and cause conflict, or rouse the resentment of the opposite parties, thus prevent the parties from arriving at any agreement between them

Obstacles Facing the Implementation of Negotiating Group

Sometimes the negotiating group confronts many obstacles that affect their performance and prevent them from achieving desired goals. The following are some of these obstacles:

1. In traditionalist societies, negotiating groups are formed almost for formal purposes, and delegated powers are restricted to the leader of the group while other group members have no power to suggest or present opinions or observations during negotiations. They are also not allowed to participate in decision making, not even in consultation. The reason is that those societies follow the authoritarian way in education and in other aspects of life so that the power is limited to the leader of the group, or of any organization – social, economic, and political. Therefore, the individuals in those societies lack experience and ability to appraise and make self-appraisal. They do not believe in exchange of ideas or respect the opinions of others, and they are prepared to receive instructions and orders without dispute or discussion even if they do not agree to them. This is due to the environment in which they live starting from home and early upbringing, to school and organizations in which they work and to which they belong. That is the reason behind the decline in people's creativity and

ability to produce innovative ideas, and the intensification of backwardness. Thus, their opinions and practices do not conform to the enormous and rapid developments the world is having at the present time, especially in the advanced countries, which reached this state of progress because of the different life style they have. That life style is based on principles of freedom, participation, mutual respect of differences, as well as devotion to those principles.

2. When negotiating groups are not delegated the necessary powers that enable them to decide, they are compelled to refer to the authorities which delegate, in order to know how to deal with the subject of negotiation. This squanders much time and effort, even money, and leaves the other side with the impression that those groups are powerless, hence, it is useless to negotiate with them.
3. Efficiency of negotiating groups in the developing countries declines because the selection of group members is not based on qualities of competence and experience, but on different criteria. Therefore, most of group members are almost not related to the subject of negotiation issue. This is obvious when the negotiating groups in the developing countries are compared to those in the advanced countries. The groups in the developing countries consider their delegation as a reward, or a grant presented to the group members by the authorities who have the right to form negotiating groups and delegate them.
4. Some organizations avoid forming any negotiating group because of the high costs that the group and its delegation require in order for carrying out a negotiation.
5. Difficulty of establishing conformity and cooperation among group members is one of the factors that affect its performance. The opposite parties may use this lack of conformity for their favor.
6. Host parties of negotiations in the advanced countries often organize and carry out tourist and shopping programs for the guest group members, which take much of the latter's time. The aim behind that is to keep the groups busy in irrelevant matters, and take their attention away from the core issue of negotiation. Accordingly, those groups are left with a very limited span of time, along with their limited abilities, and therefore they cannot negotiate properly.

7. Opposite parties in negotiations present some gifts even money to the leader and members of negotiating groups in order to make them agree to their own terms.
8. Opposite parties in negotiation, in some cases, may be able to detect certain split inside the group, and they might utilize it to achieve certain goals.
9. Tyrannical behavior of the group leader and refusal to consult the group members make them refrain from presenting opinions that help in achieving the goals behind negotiation. They may also reject their leader and his/her opinions, and refuse to assist, or to discuss matters with him/her. The matter becomes worse when the group members lack conformity among themselves as well.
10. Lack of efficiency obliges the group to surrender to the opposite parties, and to turn away from essential goals to be achieved by negotiation.

Motivating Negotiating Group Members

In order for the negotiating group members to raise their abilities to desired levels, it is important to continuously motivate and encourage them in varied ways so that it would be possible to attain the goals. The following are those ways of encouragement:

1. Any human tries his/her best to protect him-/herself and achieve his/her goals. Therefore, humans attempt to raise their standards of performance and mechanisms of defense, and be unified with the self when they feel that there are great and threatening challenges, which are hard to confront when alone. The members of negotiating group, thus, try to make use of their potentials and do their utmost to develop their abilities when they feel that the opposite party is confronting them and they may be prevented from achieving their goals. They also work hard to enhance their cohesiveness and perform efficiently. This situation emphasizes the fact that the challenges that face the negotiating group represent the most important motivation that stimulate the group and encourage it, on condition that those challenges are not much above their capacity and not continuous as to make the group members exhausted and frustrated, hence give up dealing with the situation or attaining their goals.
2. Friendliness among the group members, and between them and the leader of the group, helps in motivating the group members to

perform according to what is desired of them, as they feel that it is important for the group to go on.

3. The group's sense of development and progress helps the members to raise their performance level, and achieve satisfaction and self-actualization.
4. The manner with which the group leader leads the group is considered one of the most important factors that help in motivating the group members to perform highly. That manner may induce them to participate with their points of view, suggestions, and solutions that enable the group to achieve their goals. On the other hand, that manner may be the reason for the split and failure of the group. Therefore, the shrewd leader enables the group members to discover and employ the best of their skills and experiences.
5. The party that delegates the negotiating group should support it financially and emotionally.
6. The task of the negotiating group should enable the group to attain personal goals along with the general goals of negotiations¹¹.

Conflicts within Negotiating Group

The occurrence of conflicts among group members is a good sign that there is sort of interaction within the group, especially if the conflict is the outcome of differences in viewpoints about the manner which is to be implemented in negotiation.

Conflicts also result from variations in goals, values, attitudes, and experiences. Therefore, the group leader has to hold open and frank talks and discussion between the group members in order to direct those conflicts towards positive aspects, and to enable the members to achieve their goals competently through negotiations.

In view of that, the leader has to put in mind that there would be some conflict among the group members. (S)He has to put an objective plan to deal with the conflict according to perspectives of ending conflict that the group members present to the leader, and then to direct the conflict for the advantage of the group itself. The leader has also to warn the group against the consequences of concealing points of disagreement, which may have negative effects on the group. At the same time, the leader should not inform the authority that delegates the group about all problems that occur, and should not ask for interference unless all efforts to end conflicts fail. Thus, the leader should encourage the group to

inform about the little problems openly in meetings, but not outside the meeting room, because to talk about them outside indicates that they are not allowed to discuss them inside.

Traits of Successful Negotiating Group

1. Goals of the group are well defined.
2. Goals of the group are clear and intelligible to all members, and fall within their potentials.
3. All members participate actively and effectively in the performance of negotiation task, and each member has an initiative in performance.
5. Group members attempt to present innovative solutions to problems that face the negotiation process.
4. There is mutual support, encouragement, and cooperation among group members.
5. Group members constantly exchange viewpoints and ideas that help in raising performance level.
6. Decisions of the group are collective, and they are made in a logical and systematic manner.
7. Documenting reservations of the members on some of decisions that the group makes in order to examine them and keep them for future application.

CHAPTER FOUR

MEDIATION IN NEGOTIATION

*N*egotiations are conducted either directly between parties concerned, or indirectly through an impartial third party that takes the role of mediator for bridging thoughts and reducing points of disagreement, especially through suggestions that help to end conflicts. The need for a mediator arises in such situations as when the parties involved in negotiation have no previous contacts between them, or when it is difficult to make a direct meeting between the disputing parties.

In the light of that, mediation, as a procedure, could be defined as the assistance an impartial third party provides for two or more parties to help them move towards sound solutions for complicated problems they have in terms of reciprocal rights and obligations, and in establishing mutual relations.

The need for a mediator becomes urgent when negotiating parties face difficulties that hinder their progress towards a solution, while problems and conflicts continue and augment. Then intervention of unbiased third party could help to bridge the gap between the two sides, and enable them to overcome difficulties that stand in their way and prevent them from solving problems.

Historically, mediation goes back to very ancient times. Records show that the Babylonians were the first who opted for mediation, but ancient Greeks developed real implementation of mediation. That development continued with the Romans and the word "mediation" was mentioned in texts that deal with ending conflicts and organizing relations among people. In the Middle Ages, mediation was considered a sacred task for its role in ending conflicts between individuals¹.

The importance of mediation in negotiation has become more conspicuous in modern times due to the expansion of international relations – political and economic. Mediation has played, and will play, a vital role in ending disputes and wars between nations and between groups in one nation.

Importance of Mediation in Negotiation

The Glorious Koran stresses the importance of mediation to end dispute between people. Allah (HBG) emphasizes the necessity of mediation to put an end to disagreement between individuals when He says, ﴿If two parties among the Believers fall into a quarrel, make ye peace between them:﴾². Allah (HBG) also emphasizes the importance of mediation when a married couple suffers from misunderstanding that may result in divorce, and mediation becomes necessary to find a solution for them. Allah (HBG) says, ﴿If ye fear a breach between them twain, appoint (two) arbiters, one from his family, and the other from hers; if they wish for peace, Allah will cause their reconciliation: for Allah hath full knowledge, and is acquainted with all things.﴾³. Islamic jurisprudents see that this verse aims at putting an end to disagreement in the following manner: "that when disagreement takes place between married couple, the judge should have them together dwell beside a trustworthy person who looks into their matter and prevents the wrongful one of the two from oppressing the other. However, if the problem aggravated, and their quarrels continued, the judge then would send a trustworthy person from the wife's relatives and another from the husband's to meet and look into their case as to what is good for the two of them, either towards divorce or towards reconciliation. The legislator inclines towards reconciliation"⁴.

Another way of reconciliation between disagreeing couple is that which Allah (HBG) gives in the Glorious Koran when He says, ﴿If a wife fears cruelty or desertion on her husband's part, there is no blame on them if they arrange an amicable settlement between themselves; and such settlement is best; even though men's souls are swayed by greed. But if ye do good and practise self-restraint, Allah is well-acquainted with all that ye do.﴾⁵. The interpretation of this verse is that Allah (HBG) gives the choice to the couple and at the same time legislates for such a case as when a man loathes his wife, or when they agree to divorce. When a woman fears that her husband may dislike or repulse her, then she can willingly release him of all, or part, of his obligation of sustenance and shelter and/or other things, and he may accept that; however, she is not compelled to renounce her rights, nor is he compelled to accept⁶.

These holy verses show that mediation to end disagreement among people is considered the responsibility of all individuals, and a rewarding act of kindness. This has been emphasized in the Glorious Koran: ﴿In most of their secret talks there is no good; but if one exhorts to a deed of charity or justice or conciliation between men, (secrecy is permissible): to him who does this, seeking the good pleasure of Allah, We shall soon give a reward of the highest (value)﴾⁷.

Prophet Mohammed (PBUH) also emphasizes the necessity for mediation to resolve disagreement, he says, "Would I tell you what is better than prayer and fasting?" His companions said, "Oh, Yes, Messenger of Allah!" He said, "To reconcile people". He also told one of his Companions, Abu Ayoub Al-Ansari, "Would I tell you about a bargain?" To which Abu Ayoub said, "Yes, O Messenger of Allah," Prophet Mohammed (PBUH) said, "To pursue reconciliation of people when they disagree, and bring them together when they drift apart". This confirms the importance of mediation to reconcile people for no material gain, but only to please Allah (HBG), who will reward the mediators with great recompense in this life and the afterlife⁸.

Historians and biographers of Prophet Mohammed (PBUH) state that the negotiations of Al-Hudaybiya between Prophet Mohammed (PBUH) and his tribe, Quraish, was carried out with the aid of mediators, who were delegations from other Arab tribes. Those mediators were envoys of Khuza'a Tribe headed by Budail bin Warqaa, who was an impartial man volunteered to mediate to resolve the conflict between the Muslims and Quraish. The others were Mukriz bin Muhees, and a delegation of the Kinana Tribe headed by Al-Hulais bin Zayan, who was the chieftain of the Kinana Tribe itself, a wise, devout, and highly respectable man among his people⁹. Those delegates were able to persuade Quraish that Prophet Mohammed (PBUH) had not come to Mecca to fight the Arabs, but to pay his visit to the Sacred Precinct and for Umra, which is a lesser pilgrimage. Those delegates had delivered the peace proposal of the Prophet (PBUH) with honesty and objectivity.

Aims of Mediators in Negotiation

The aims that mediators seek to achieve through mediation between negotiating parties vary according to the mediators themselves. Some of the mediators aim at ending conflicts and disagreements for no specific gain only to please Allah (HBG). Others seek financial gain through the money they would receive when mediating between seller and buyer, as is the case with commercial agents or brokers. Sometimes mediators intervene between two disagreeing parties when disagreement affects

their own interests if it remains unresolved. The mediator may also seek to achieve more than one goal simultaneously.

Areas of Mediation between Negotiating Parties

At the present time, mediation between negotiators is put into practice in various areas, ranging from simple social negotiations between individuals, to large scale negotiations about global problems such as those related to nuclear disarmament and peace-talks, as well as economic issues, in addition to other human relations that may develop into disagreement and clashes of interests. Therefore, there could be mediation in negotiations about different economic, social, political, and other international issues.

Examples of mediation in economic issues are many, such as commercial and trade brokers, real estate dealers, and industrial agents. The aim behind this is to enable the parties to organize commercial relations in order to exchange products and services, or end disagreements. While mediation in social negotiations helps to reconcile individuals and organize their relations when there is some sort of disagreement between them. There is also international mediation between states and governments whose purpose is to end wars and struggle.

Function of the Mediator in Negotiation

The mediator in negotiations helps to empower the negotiating parties in order to arrive at sound solutions acceptable to all sides to resolve disagreements, through these functions:

1. Introducing the negotiating parties to one another when there is no previous acquaintance between them.
2. Facilitating communication between negotiators. This is considered the most important task the mediator would do in order to start the negotiations.
3. Enabling the negotiating parties to come to an accurate explanation of the problem under consideration, and to know its causes.
4. Bridging ideas, defining common points, and bridging the gap between the parties.
5. Providing suggestions that enable the parties to find practical solutions that help to set up relations and end disagreement.

6. Influencing negotiation behavior of the parties in order to carry on negotiations and end disagreement.
7. Participating in the formulation of the draft of agreements that result from negotiations.
8. Providing information that could help in revealing the intentions and attitudes of the opposite parties. In certain cases, governmental departments concerned with resolving conflicts between negotiating parties, question the mediator in order to obtain that information.
9. Setting up an appropriate atmosphere for negotiations, by choosing a neutral place acceptable to all parties, in which all the requirements that facilitate the negotiation process are available.
10. Participating in outlining negotiation agenda.

Requirements of Mediation

1. Mediators ought to be acceptable by negotiating parties.
2. Mediators ought to have accurate and objective information about the negotiation issue, negotiators, their ethics, their manner of negotiation, and goals they seek to achieve through negotiations. They should also know about the potentials of negotiators, which could be employed in the negotiation issue and concessions they may make.
3. Mediators have to be able to bridge between negotiating parties to levels where they can reach sound solutions that could end disagreements. In this regard, the Arab poet Zuhair bin Abi Salma, in his long hanging "[Mu'allaqat](#)"* poem described the role taken by a group of people who acted as mediators to end the deadly battles between I'bs and Dubian – two Arabic tribes in pre-Islamic Arabia – saying:

You rescued I'bs and Dubian after they perished

And crushed between themselves Manshim's perfume**

4. Mediators should be honest in communicating information to negotiating parties.
5. Mediators ought to be impartial, objective, and having efficiency required to aid the disputing parties to stop their disagreement.
6. In certain cases, mediators must be biased to the rightful side against the erroneous one, and ready to defend right and fight wrong,

following the instructions of Allah (HBG) in the Glorious Koran, ﴿If two parties among the Believers fall into a quarrel, make ye peace between them: but if one of them transgresses beyond bounds against the other, then fight ye (all) against the one that transgresses until it complies with the Command of Allah; but if it complies, then make peace between them with justice, and be fair: for Allah loves those who are fair (and just).﴾¹⁰. This verse emphasizes the necessity to help the fighting parties to end their conflict. However, if one party caused injury to the other party then the mediator should side with the wronged party and fight the wrongdoing one until they discontinue the enmity.

7. Volunteered mediator should be ready to sacrifice time, money, and efforts for the undertaken mission.
8. Mediators have to have an official permission to act as mediators.

Mediator's Devices of Influence

The mediator can employ many devices to influence negotiating parties, and to make them carry on the negotiation process and reach sound solutions and agreements to end conflicts. Of these devices are the following:

1. To convince the conflicting parties about the importance of negotiation in solving their conflict, and the benefits they would obtain, as well as the damages that may inflict them if they fight.
2. To suggest ideas that could help the negotiating parties to end their conflict and establish their relations based on protected mutual rights and obligations.
3. To hint at the possibility of using force and coercion to deter the oppressing side. The Glorious Koran emphasizes this when Allah (HBG) says, ﴿If two parties among the Believers fall into a quarrel, make ye peace between them: but if one of them transgresses beyond bounds against the other, then fight ye (all) against the one that transgresses until it complies with the Command of Allah; but if it complies, then make peace between them with justice, and be fair: for Allah loves those who are fair (and just).﴾¹¹.
4. To offer rewards to all parties or to one of them in order to encourage them to carry out negotiations and resolve conflict.

Mediation Ethics in Negotiation

Most legislations, codes, and norms that regulate mediation in negotiation, see that mediation should be conducted according to these ethical principles:

1. Mediators should promise to inform, accurately and appropriately, the negotiating parties about all the activities they are going to undertake when mediating.
2. Mediators have to be impartial and unprejudiced towards the negotiating parties.
3. Mediators ought to respect the secrecy of information related to the negotiation issue.
4. Mediators should be watchful and perceptive of the behavior and reactions of negotiating parties.
5. Mediators should not give any legal consultation or advice that would assist one party at the expense of the other.
6. Professional activity of the mediator is to fall within the field of specialization only, in order for the mediator to be more competent in this undertaking.

Span of Mediator's Activities in Negotiation

1. To get the parties, who are related to issues of disagreement, ready for talks.
2. To offer suggestions which help disputing parties to make right decisions and resolve the conflict. However, making a decision is the responsibility of the parties involved in negotiations.
3. To make decisions acceptable to all negotiating parties, when those parties find themselves unable to make decisions that would solve the conflict. In this case, the negotiating parties are obliged to accept decisions made by the mediator.

Commitment of Negotiating Parties towards the Mediator

The obligations of the negotiating sides towards the mediator could be summarized as follows: that negotiating parties should provide the mediator with all information related to the negotiation issue. They should also make clear to the mediator their attitude towards the issue, goals they seek to achieve, concessions they may make, and alternatives they could consent to solve problems.

In most cases, when the mediator is needed in negotiation, the parties concerned sign an agreement with the mediating party in which they define terms of obligations between all sides, powers delegated to mediator, and fees that they should pay for mediation. It is preferred that such agreements are to be examined and revised by law specialists so that they make sure of the legal validity of draft. Then the agreement is to be endorsed officially.

Preparing Mediators

Training skillful mediators is a point of interest at the present time due to the vital role of the mediator in the midst of contemporary developments in all aspects of life, especially those related to problems that arise between individuals, organizations, and states.

The advanced countries define in their constitutions and legislations cultural, professional, and behavioral requirements that a person or group of people who act as mediators should have, in addition to requirements defined by associations and unions concerned in mediation. In Australia, for example, the regulations concerning mediation in civil affairs decree that the mediator should be a university graduate of law, who has been trained in a specialized mediation agency for at least two years, and has participated in training programs of developing skills of mediators.

It is worth mentioning that the requirements for training mediators vary according to negotiation subject, social and cultural milieu, economic and technical level, and goals and manners of negotiators.

Commission of Mediators

In some cases, mediation between negotiating parties is free of charge, but in some other cases, it is achieved for money. In social quarrels, for instance, mediation is free of charge as a voluntary work carried out by individuals of local community, who volunteer to mediate between fellow individuals, to resolve disagreements without referring to the courts.

As for mediation in economic negotiation, negotiating parties who seek the aid of a mediator should pay a commission. The amount of that

payment is determined according to an agreement between the parties, and to the regulations, directions, and norms of a community or society, as well as the nature of the negotiation issue, and the amount of money that would be gained from transactions made through the mediator.

Effect of Technological Development on the Function of Mediation

Technological development the world is witnessing at present is reflected on all activities of life, one of which is mediation. Consequently, it is possible for one to act as a mediator between two geographically distant parties. This is achieved through the modern means of communication such as the cell phone and the internet "online", as well as closed television circuit, and other techniques that could be used for distant communication and interchange of information between negotiating parties. These developments help in distant negotiation, spending cutbacks, and saving efforts and time required for the negotiation process, especially when the parties involved are geographically far off.

Factors Affecting the Mediator's Competence

1. Support that the mediator receives from negotiating parties.
2. Intensity of disagreement between negotiating parties. Thus, The more heightened is the disagreement, the more complex the mediator's job will be.
3. Nature of relationship between negotiating parties and mediator. The mediator becomes more capable in tasks undertaken when the relationship with the parties is solid.
4. Mediator's ability and experience in directing the mediation processes.
5. Mediator's potentials and ability to put those potentials into practice when influencing negotiating parties.
6. Extent to which accurate information about the negotiation issue are available for the mediator. If the information is accessible to the mediators in the appropriate time, it will enable them to know about the issue and its effects on the negotiating parties, and to find solutions for problems as well.

Indirect Parties Involved in Negotiation

Other indirect parties, whose interests might be affected by negotiation results, may be involved in negotiations. Those parties act as pressure groups on either one of the parties or on all of them, for reasons related directly or indirectly to their own interests. Therefore, the experienced negotiator has to take some action as follows:

1. To identify very accurately the indirect parties who support the negotiators or the opposite parties.
2. To know the goals and potentials of the parties that support one of the negotiation sides, and define their manner of support.
3. To prepare and conduct a perfect advertising campaign that aims at convincing the indirect parties of the reasonability of the negotiation issue, in order to restrict their role and their influence on the opposite sides.
4. To use certain methods which enable the negotiators to employ the possibilities and influences of the indirect parties for the attainment of their own goals.

The Glorious Koran refers to the sorcerers called by the Pharaoh to aid him against Prophet Moses (PBUH), who represented the indirect party in the negotiations between Prophet Moses (PBUH) and the Pharaoh. In the beginning, they wanted to support the Pharaoh, terrify the onlookers, and disprove the evidences of Prophet Moses (PBUH), ﴿So there came the sorcerers to Fir'aun: they said, "Of course we shall have a (suitable) reward if we win!"﴾¹². It follows that Prophet Moses (PBUH) asked the sorcerers to fling their cords and sticks first so that he would be able to counter them, ﴿When the sorcerers came, Musa said to them: "Throw ye what ye (wish) to throw!"﴾¹³. However, when Prophet Moses (PBUH) threw his rod, the magicians immediately realized that he is right and they turned against the Pharaoh, not caring for the punishment he threatened them with, ﴿So the magicians were thrown down to prostration: they said, "We believe in the Lord of Harun and Musa."﴾ * (Fir'aun) said: "Believe ye in Him before I give you permission? Surely this must be your leader, who has taught you magic! be sure I will cut off your hands and feet on opposite sides, and I will have you crucified on trunks of palm-trees: so shall ye know for certain which of us can give the more severe and the more lasting Punishment!" * They said: "Never shall we regard thee as more than the Clear Signs that have come to us or than Him Who created us! so decree whatever thou desirest to decree: for thou canst only decree (touching) the life of this world.﴾¹⁴. Accordingly, the negotiators should give the opposite parties the opportunity to present their proofs and give their reasons in order for the negotiators to refute them.

It is worth mentioning that Prophet Moses (PBUH) asked the Pharaoh to arrange for the gathering between him and the sorcerers in front of largest crowd of people so that he would be able to win the approval of a larger number of people. That is because he was sure he was right, his message was true, and the Pharaoh was false, ﴿Musa said: "Your tryst is the Day of the Festival, and let the people be assembled when the sun is well up."﴾¹⁵.

The negotiations between Prophet Mohammed (PBUH) and Quraish give another example of the role of indirect parties played by the tribes of Thaqeef and Al-Ahabeesh. Those two tribes thought that Prophet Mohammed (PBUH) wanted to fight Quraish because of Quraish's claims that he was to attack and hit them in their own home, Mecca. The other tribes hurried to support Quraish against Prophet Mohammed (PBUH)¹⁶. For that reason, Prophet Mohammed (PBUH) put a perfect advertising campaign making use of the situation and of the information gathered about it, in order to convince the indirect parties that his case was right and that Quraish were unjust in their claims. That plan succeeded in making the Arab tribes turn to support Prophet Mohammed (PBUH) and stand with him against Quraish. This change of the attitude of the Arabs towards the Prophet (PBUH) infuriated Quraish and caused serious split inside their armed force, and made them lose the support of the Arabs.

The plan, which Prophet Mohammed (PBUH) put, persuaded the Arab tribes that supported Quraish to change their attitude towards him, when they realized that he only came to Mecca as a pilgrim not an enemy to fight. They were confident of Prophet Mohammed's (PBUH) truthfulness when they saw him and the Muslims doing the rituals of pilgrimage (Haj) and holding no weapons of war¹⁷.

Allah (HBG) draws attention to a very important point, that the indirect parties should be very careful in supporting either of the parties and defending them, if they are not just or right in their cause. The reason is that the indirect party should not support and defend the unjust party to defeat the opposite party who are right, to achieve their goals, because if they supported and defended the erroneous party they would endure the harmful consequences of that act. This has been emphasized in the Glorious Koran, when Allah (HBG) says, ﴿Ah! these are the sort of men on whose behalf ye may contend in this world; but who will contend with Allah on their behalf on the Day of Judgment, or who will carry their affairs through?﴾¹⁸. Therefore, the indirect parties should fear Allah (HBG) and always stand with the rightful for the goodwill of all parties.

It is worth mentioning that intervention of indirect parties between negotiating parties may have good positive results that help in solving

disagreement. Yet sometimes it may have harmful effect on those parties, when the indirect parties seek to attain certain goals for their own advantage. They may try to aggravate disagreement and deepen conflict, when it is ineffective for them to solve problems.

Areas of Intervention of Indirect Parties in Negotiation

The indirect parties can intervene between negotiating parties in these areas:

1. to facilitate negotiations between conflicting parties
2. to influence negotiation behavior of negotiators

1. Facilitating Negotiation

The indirect parties in a negotiation can intervene between negotiating parties to make the negotiation process easier. This is achieved by conveying information, which can achieve familiarity and contact between negotiating parties, and invite them to sit for talks. It is preferred that negotiating parties hold meetings between them in presence of indirect parties. However, this does not mean that their presence is very essential especially when it is not possible to be present. In any case, the presence of indirect parties nowadays is made easy by the development of communication technology.

2. Influencing Negotiation Behavior

Indirect parties influence on negotiators takes many forms and ways, of which are the following:

- They encourage the negotiating parties to end disagreement and come to acceptable solutions.
- They explain the advantages and the preeminent goals that could be attained by solving conflict.
- They reduce the supremacy in power and potentials of one party over the other by offering material and emotional support to the weaker side.
- They preserve self-esteem and dignity of the parties that agree to make serious concessions for the sake of solving disagreements.

The indirect parties can achieve that by offering a warranty or a reward for the party that makes concessions¹⁹.

It is worth mentioning that the ability of indirect parties to influence negotiators and encourage them to go on in their talks, or affect the results of meetings, depends on certain factors. These factors are their potentials that enable them to influence the negotiating parties, and the extent to which their interests would be affected by the results of negotiations.

CHAPTER FIVE

SKILLS OF COMMUNICATION AND PERSUASION

*N*egotiators are supposed to be familiar with the details of the negotiation issue, opposite parties and their potentials, the sides that support them, and the sides that could support all negotiating parties, as well as the benefits and losses that may result from negotiations. Yet, not all this enables the negotiators to make successful talks unless they have certain communication skills that make their contacts possible, and help in persuading the parties and inducing them to hold good relationships even when negotiation fails.

This chapter deals with skills of communication and persuasion that the negotiators must have regardless of the nature of the negotiation issue.

Communication Skills

The Webster's Dictionary of English Language defines the word "skill" generally as "the ability to use one's knowledge effectively and readily in execution or performance", and "a learned power of doing something competently". The word is also defined as the ability to do something efficiently in the appropriate time and circumstance. Any individual should have many skills that enable him/her to perform various dealings and tasks in daily life so competently that (s)he can attain objectives, and enjoy good relations with fellow humans. Of the skills

that any individual should possess, are the skills of communication and persuasion

The individuals' need to develop communication skills emerges from their daily contact with each other, from the very date they are born to the end of life. They communicate to reach certain goals – social, emotional, and economic. Therefore, they have to develop their skills, means, and ways of communication in order to be able to achieve desired goals. At the same time, they exchange information, feelings, and opinions, especially those by which they attempt to influence others in order to establish mutual relations¹.

In spite of the importance of communication to all individuals, some people are still unable to perform this activity with the desired competence to achieve goals. The reasons are that most communicators have no knowledge of goals that could be achieved through communication, they are ignorant of its means, they lack skills, or they use outdated communication techniques.

Elements of Communication Process

Communication process consists of these elements: sender, recipient, message, communication channels, devices used for sending and receiving, feedback from recipient to sender, and setting – time, situation, atmosphere ... you name it – in which communication takes place. Communication process is achieved through these stages: sender prepares a message, transforms the content into codes and signs, which are carried by different channels to be sent to recipient. The recipient receives message, encodes content into readable or audible words, analyzes it, interacts with it, reacts to it, and acts accordingly, which is the aim behind sending the message. The aim of the message cannot be attained unless it passes through these stages.

In view of that, the individual's competence in communication with others varies from one individual to another due to the differences between individuals themselves. Many factors determine those differences, such as personal traits, life circumstances, emotional state, self-realization and development, age, educational level, and experiences, and many others. These factors decide the individual's capacity for acquiring skills of communication, listening, speaking, reading, and writing, as well as skills of utilizing communication technology. Most important of these skills are those related to talking and listening, owing to their role in allowing the negotiators to convey thoughts, opinions, information, and emotions, which are related to the negotiation issue.

Speaking Skills

Speaking skills are related to the individuals' ability to express their feelings and thoughts verbally so as others can understand and interact with. Therefore, speakers have to be self-confident and be sure of the information conveyed in the words they utter. They also have to have faith in what they are talking about, to be eager to talk about, and able to make a good impression in the receivers or listeners. They should also have clear information of the receivers' opinions, goals, and behavior in order to influence them.

The speakers have to choose very carefully the subject that would attract the attention of listeners, and define the aim behind saying it. They also have to have in their consideration the recipients' knowledge of the subject as well as their social and educational levels, so that to be properly comprehended. Moreover, they have to put in mind the circumstances and manner of speaking, using suitable phrases, gestures, examples, references and illustrations. They ought to concentrate on the topic and avoid jargon, complex expressions, or terminology. They have to be aware of the listeners' reaction, and give them the chance to participate with their remarks, comments, and questions.

The speakers must be true, objective, precise, clear, careful, gentle, and restrained in their reactions towards the listeners' comments. They have to be consistent, able to control themselves in responding to listeners, and should accept disapproval and self-criticism. In order for the speaker to be effective, the speech has to be in middle way between long and concise, not tiresome or monotonous, but interesting by the use of humorous remarks and exciting hints. The speakers should not claim that the opinions discussed are their own, or that those are absolute facts, but that they are subject for negation. Therefore, they have to use such expressions as "I think", "I believe", "as far as I'm concerned", or "perhaps", to show that those points of view could be argued and contradicted. In this regard, the speakers give the listeners the opportunity to show their different points of view freely and openly. During the discussion it is preferred that the speakers should be aware of the tone of their voice and keep it low and calm, as Allah (HBG) recommends in the Glorious Koran, ﴿"And be moderate in thy pace, and lower thy voice; for the harshest of sounds without doubt is the braying of the ass."﴾². The speaker has to realize that loud voice indicates weakness of situation, as indicated in this verse by an Arab poet:

Weak lions are the most roaring,

Whilst the most robust do not growl.

Ethics of Speaking

Conversation is based on a host of ethical principles that should be taken into consideration when addressing others. The following are some of these principles:

1. Words and expressions used in a conversation should hold all decent and kind meanings, and be polite and honest, to promote good relations with others. This has been emphasized in the Glorious Koran when Allah (HBG) says, ﴿Seest thou not how Allah sets forth a parable? A goodly Word like a goodly tree, whose root is firmly fixed, and its branches (reach) to the heavens, It brings forth its fruit at all times, by the leave of its Lord. So Allah sets forth parables for men, in order that they may receive admonition. * And the parable of an evil Word is that of any evil tree: it is torn up by the root, from the surface of the earth: it has no stability.﴾³. That is, the kind word has great advantages for both speaker and listener at all times and in all situations. It is even better than the fruit which comes only once in the course of year. Accordingly, Allah (HBG) advises humans to say the best of words in their verbal communication, ﴿Say to My servants that they should (only) say those things that are best: for Satan doth sow dissensions among them: for Satan is to man an avowed enemy﴾⁴.

2. Using kind words in speech. Kind words are considered as charity that recompenses both speaker and recipient. Prophet Mohammed (PBUH) emphasizes this when he says, "The kind word is benevolence". In contrast, offensive speech is even harder and more harmful than the thrusts of the sword, the Arab poet says,

Wounds of swords heal,

But wounds of words have no cure.

3. Avoiding heated discussion, slandering, cursing, condemnation, and allegations in conversation. Thus, Prophet Mohammed (PBUH) used to choose the most respectful diction in talking to others. He never uttered a tough or bad word or a rude expression. This is emphasized in his saying, "The believer is not misspeaking, nor is he reviling, indecent, or obscene."
4. Acceptance of others and communicating with them regardless of their behavior, traits, morality, opinions, and attitudes. Communicating with others does not mean to agree to their opinions or beliefs or manners, but it indicates humanistic treatment of others and dealing with them for general purposes.

Those purposes include such activities as exchange of products, services, and information for daily activities, or perhaps influencing others and helping them improve their manners and develop better opinions and beliefs. On the other hand, it may be to avoid their wickedness. Therefore, Prophet Mohammed (PBUH) used to make good relations with all people, whether they were the unbelievers inviting them to believe, or his companions teaching and instructing them. He also used to visit people of other religions like the neighboring Jews, when one was sick or another was having a feast.

5. Conversation should start with topics that are interesting to the recipient.
6. Focusing on points in common between speaker and recipient, and points which are acceptable to both.
7. Speakers should not ask recipients to renounce their beliefs and values at once, but it is preferred that a friendly talk should be held to convince others by degrees to improve their attitudes and behavior for the better.
8. To give the recipient the impression that the points of view one is talking about are but personal opinions, in order to make the recipients feel contented with their opinions. Hence, recipients become more prepared to accept opinions of others, and motivated not only to change their attitudes, but also to defend newly adopted thoughts.
9. To evade discussing too many details, so that the listener would not be distracted or bored, or digress to other irrelevant points that may be provoking.
10. Speakers should use all possible means to influence the opinions of listeners, and persuade them to listen to conversation and accept discussed opinions. Most notable of those means are references to verses from the Glorious Koran, sayings of Prophet Mohammed (PBUH), proverbs, aphorisms, lines of poetry, or general information. However, those means should not be forced into conversation, but spontaneous and relevant to the context.
11. To notice responses and reactions of listeners to conversation to encourage them to listen and participate in the discussion. The reason is that it would be ineffectual if the listener is not paying special attention, and is not showing any interest or otherwise to what is being said. The speaker in such a case would be like what the Arab poet says,

You would've been heard if would've called one alive,
 But there is no life in whom you call;
 A fire, if blown, would go up in flames,
 Yet the blowing vanishes in the ashes.

12. Speakers have to acknowledge their errors instead of defending or justifying them, so that they ascertain their credibility to the listener. This made Prophet Moses (PBUH) admit killing the Egyptian, as is referred to in the Glorious Koran, ﴿"And thou didst, a deed of thine which (thou knowest) thou didst, and thou art an ungrateful (wretch)!" * Musa said: "I did it then, when I was in error.﴾⁵. The Arabic wisdom also says, "To admit a fault is a virtue", and this was what made Prophet Abraham (PBUH) ask forgiveness from Allah (HBG), the Glorious Koran says, ﴿"And Who, I hope, will forgive me my faults on the Day of Judgment"﴾⁶.

13. Speakers should accept any opposition or disagreement and deal with it confidently. They have to listen to others, and make use of their opinions, and keep good relations with them. In this way, they can influence and persuade them to accept the points of view presented to them, instead of overlooking their ideas or provoking them.

14. Speakers have to first disprove and refute weak evidences, then move to stronger ones, one at a time.

To take no notice of the opposing parties and disregarding them is sometimes considered the best means to overcome them. In this regard, the old wisdom says, "Dignify yourself by disregard", and, "To disregard certain matters is to be dignified". The Arab poet also says,

If for everything you are to be blaming your friend,
 You might not find the one you wouldn't blame.

Requirements for Improving Talking Skills

People differ in their opinions, interests, beliefs, and needs. They also differ in their way of dealing with others, situations, and information they get when listening to others. Accordingly, anyone who would address people as if they are alike or they are like him/her would fail in delivering the message. Thus, the speaker has to take into consideration the following factors':

1. Knowledge in the subject matter of speech, and ability to clarify it and convince others with it.
2. Notes and audiovisual aids should be prepared to enable the speaker to present the subject of conversation properly, putting in mind that it should not be too elaborate or too brief.
3. Conversation has to give an introductory note about the subject, moving to points of discussion supported by facts and evidences, and ending with conclusion.
4. Speaker should direct his/her eyes towards the recipients addressing them with friendly welcoming expressions suitable for position, interests, and attitudes of recipients.
5. Speaker has to avoid dominance or oppressiveness in addressing others.
6. Speaker must avoid dominating talks, but allow the recipients to participate, since they are able to comprehend the information and respond to it.
7. Subject is to be presented with confidence and enthusiasm, clarifying the good results and advantages it may give to the listeners. This is confirmed by the fact that Allah (HBG) has sent His messengers and prophets to teach morality and religion, showing people the rewards of those who believe, as is mentioned by the Glorious Koran, ﴿Messengers who gave good news as well as warning, that mankind, after (the coming) of the Messengers, should have no plea against Allah: for Allah is Exalted in Power, Wise.﴾⁸.
8. Speaker has to observe the reaction of recipients and to deal with it supply.
9. Recipients ought to be encouraged to listen to the speech and attend to its subject and points raised in it.

To sum up, negotiators have to have in mind the requirements for conducting talks with opposite parties in negotiations. It is recommended that negotiations be based on principles of successful conversation. The Arab poet says,

Deliver your speech with generosity of the confident,
And present your facts with gracious eloquence.
Make the manifestation of facts your pursuit,
And let the best of words express it.

Listening Skills

There is a difference between hearing, attention, and listening, which could be explained as follows: hearing is but to physically hear vibration of sounds produced by various sources, without paying attention to them. Hearing depends on the hearing sense in the ears, and its physical condition and capability to pick up sound vibration, which is a simple act. The act of paying attention to something is to concentrate while hearing certain things said by someone for a certain purpose. Listening, on the other hand, is a complex skill that requires concentrating all attention and interest on what is heard from the speaker, and then trying to understand, explain, and interpret the tone of the speaker together with gestures and signs accompanying speech.

Thus, hearing is a physiological activity that is born with humans, while attention and listening are acquired skills. The difference between attention and listening is that the first depends on uttered sounds, whereas the second depends on relating sounds to physical movements and emotional state of the speaker.

Hearing is more important to humans than sight, that is why the word "hearing" comes first whenever the two senses are mentioned in the Glorious Koran. An example is this verse, ﴿Say: "It is He Who has created you (and made you grow), and made for you the faculties of hearing, seeing, feeling and understanding: little thanks it is ye give﴾⁹. A human, therefore, learns to speak through hearing, and can hear the speech of other humans even if those were hiding behind a barrier, while they cannot see each other if there is a barrier between them. This is mentioned in the Glorious Koran when the companions of Prophet Mohammed (PBUH) call him from behind the partitions of his chamber, and he can hear them but unable to answer, ﴿Those who shout out to thee from without the inner Apartments, most of them lack understanding.﴾¹⁰.

Humans can also hear the speaker even if the latter is standing behind them, whereas they cannot see the speaker unless they turn. The same is with the embryo as it hears sounds while inside the womb. What also shows the importance of hearing is that a human can hear in darkness, but is unable to see the figure of speaker or source of sounds. For that reason, it is possible to carry out talks with others even if one is in utter darkness, or blind, which is not possible for the deaf. Likewise, the messengers of Allah (HBG) delivered His messages to people through talking to people, and those who heard and paid attention believed in them, as Allah (HBG) says in the Glorious Koran, ﴿Our Lord! we have heard the call of one calling (us) to Faith, 'Believe ye in the Lord', and we have

believed. Our Lord! forgive us our sins, blot out from us our iniquities, and take to Thyself our souls in the company of the righteous. ﴿١١﴾.

In addition, the hearing sense can deal with abstraction, and enable humans to imagine the tangible things when they hear their names and description, whereas eyesight cannot deal with abstraction.

Therefore, listening is one-half way of communication with other people or between groups in negotiation. Listening is a skill that could be improved by acquiring good listening habits away from the influence of such factors as inborn factors, psychological, physiological, and environmental, which may affect listening. Listeners should also pay attention to the speaker, and follow the speaker's verbal and facial expressions. They have to listen carefully and avoid making hasty conclusions or assessment, or absolute judgment of the speaker. The listeners should not focus on finding mistakes, or defects, instead of trying to understand, explain, and analyze, and then assess, the speaker's points of view objectively.

It is worth mentioning that listening is of many kinds: such as listening to get information and critical listening which includes assessment of points being discussed in order to detect and know motivations, thoughts, and knowledge of the speaker, so that one may enjoy what is heard. Other kinds are emphatic listening, which indicates sympathizing with the speaker's feelings, and listening for enjoyment to entertain one's self with lovely sounds of birds, waterfall, music or other melodious voices like recitation of Holy Scripture, and the call for prayer (Athan)¹².

To improve the capability of listening requires awareness and interaction with speakers, watching them with interest, coping mentally with the rapidity of speech, distinguishing between major and minor points, and keeping the major points in mind. The listeners should also allow the speakers to go on in their talk without interruption or objection, in order to stimulate them to continue the topic. Therefore, the listener ought to avoid posing questions during the speech.

The recipients must be very sharp, sound in thinking, able to perceive the emotional state of the speaker even if (s)he tried to hide it. The recipient should also wait for the speaker to finish before posing questions and queries. This allows the recipient to get more information from the speaker, relate them to information stored in mind, judge them, and come to new conclusions.

It is worth mentioning that human memory consists of language memory, understanding memory, experience memory, and memory for

faces, shapes and places. The effectiveness to remember is influenced by such factors as the inclinations of individuals, psychological attitude and its control over signs and information they receive, accumulation of knowledge, and significance of subject matter that is to be stored in memory. It is also influenced by time-span during which the information are stored in the memory, accordingly, data and information that are newly received by memory can be recalled easily and quickly, and important events, names, faces, and information can be remembered even if they were kept long in memory.

However, individuals sometimes cannot remember certain people, situations, or events even if they tried hard. This happens for psychological reasons related to the individual's attitude towards those people, situations, and events, or because of fatigue, or that the information are too many that it becomes hard to recollect them all, or when an individual has accidents or severe shocks that may cause temporary or permanent amnesia, or loss of memory. The same is when an individual is subjected to brain washing, thus forgetting a great deal of information stored in memory. In addition, it is natural for a human to lose information with age, or when contracting Alzheimer's disease, which is a medical disorder causing dementia (a degenerative disorder that affects the brain and causes dementia, especially late in life)*. This has been indicated in the Glorious Koran, Allah (HBG) says, ﴿It is Allah Who creates you and takes your souls at death; and of you there are some who are sent back to a feeble age, so that they know nothing after having known (much): for Allah is All-Knowing, All-Powerful.﴾¹³. Therefore, one must try to refresh memory by various means, to make it able to provide information stored in it whenever needed.

In view of that, the silence of recipients should not be interpreted as a sign of approval of what they are hearing. Silence sometimes means that recipients either could not understand the message, or does not agree to it. It could also mean that they have certain information in mind but they do not like to share for some reason or another. Besides, the speaker has to have in consideration the recipient's capability to recall and remember the information that is related to the subject matter of current speech.

Obstacles of Listening

A set of factors may hinder the attainment of aims behind listening to, and understanding of, information and points of view given to recipient during talks. The following are some of these hindrances¹⁴:

1. Recipients are engaged in preparing answers or comments, which causes them to miss the chance to hear properly, or understand, what the speaker is saying.
2. Recipients are quite biased against certain information, or they have taken a certain attitude in advance towards the subject.
3. Recipients are busy with other matters or they are absent-minded.
4. Noise and other natural factors distract, or affect, hearing.
5. Recipients lack interest in the subject matter of talks.
6. Efficiency of hearing declines by tediousness caused by prolonged speeches.
7. Efficiency of hearing declines with dullness of speaker's voice.
8. It is difficult for listeners to grasp information that is incongruous to their educational and social levels. The same is when listeners have a negative attitude towards speaker and information.
9. Speaker cannot stimulate the recipients to listen if speech is not colored with adequate humorous remarks or jokes within the context of the subject matter.

One must realize that listening is not only a skill, but also a matter of decency and proper conduct, which one ought to learn and practice competently. As such, listening helps to receive and understand information provided by the speaker, and to employ them in ways that lead to attainment of goals. It also helps to promote good relations with others¹⁵. In this context, the Arab poet says,

Listen to your opponent, never interrupt his speech,
He may present you an approving opinion.
Patience in attention is abundant treasure,
And insistence on disturbing is the pretext of the failing;
If you meet insistence by persistence
Then for both of you common sense is lacking.

Persuasion Skills

Persuasion is defined as the employment of vocals and signs that can affect change in attitudes, behavior, and tendencies of others. Those vocals and signs make a satisfactory influence in beliefs and thoughts of others in order to change them partially or totally, by presenting facts genuinely and transparently, supported by acceptable evidences¹⁶. Persuasion is also defined as systematic effort that implements various

means to influence others and affect their thoughts and opinions about a certain subject¹⁷. It is defined as the process that aims at making others adopt opinions, thoughts, or certain attitudes¹⁸. Another definition of persuasion shows that it is a conscious attempt at changing attitudes, beliefs, or behavior of others¹⁹.

Persuasion represents one form of influencing others and winning them to adopt certain ideology, attitude, behavior, or act, by using rational and logical means. Therefore, persuasion is considered one of the strategies that depend on means of arousal of interest to solve problems among individuals, and develop a sense of friendliness and kindness among them. In addition, persuasion is the manner of powerful persons and the way of upright ones, and anyone who follows it will obtain respect and regard of opposite parties. Persuasion helps negotiating parties to attain their goals, away from coercion and force, which lead to resistance and conflict, and to aggravation of problems.

It is possible to influence contrary parties by such ways as logical argument, logic, and rhetoric in speech, scientific methods, and proofs. Other methods as advertising, imagination, presentation, propaganda, temptation, and traditions, help in persuading contrary parties through emotional appeal²⁰.

Types of Persuasion

1. formal persuasion and actual persuasion
2. persuasion by arousal of interest, and persuasion by intimidation
3. direct persuasion and indirect persuasion

1. Formal Persuasion and Actual Persuasion

The opposite party could be persuaded seemingly or formally by opinions presented to them. This happens when that party find themselves either forced to pretend persuasion because of coercion or threatening. For example, an employee pretends to be convinced in the opinions of his/her boss, and may act according to those opinions, only because (s)he is afraid of penalty with which his/her boss threaten.

Historical events prove that dictatorial regimes or systems, whether political, social, or economic, inhibit individuals' freedom of choice and convictions, and compel them to accept the choices and convictions of those systems. Individuals may sometimes feel forced to pretend that they are convinced with the beliefs of the systems. Moreover, those systems or regimes coerce individuals to act according to the views imposed on

them, even to propagate them for fear of punishment. In this regard, the old wisdom says, "People adopt the faith of their kings", that is they change attitudes and convictions according to the convictions of their rulers because they fear them, or because they seek favor or certain advantages or gains from their rulers. Sometimes the individuals' persuasion is temporary by which they flatter or take advantage of the persuader. This has been referred to in the Glorious Koran when Allah (HBG) says, ﴿A section of the People of the Book say: "Believe in the morning what is revealed to the Believers, but reject it at the end of the day; perchance they may (themselves) turn back;﴾²¹. However, this formal persuasion is futile and inevitably transient.

As for real persuasion, it shows the individuals' faith and conviction in the importance of opinions proposed to them, that they could help them to develop, deepen faith, improve behavior, satisfy physical and spiritual needs, and attain goals. It is worth mentioning that this kind of persuasion lingers in the minds and souls of recipients with the passing of time, and make them defend their beliefs with every possible way, even if they were exposed to coercion or threat. In the Glorious Koran Allah (HBG) gives examples of this kind of persuasion, saying, ﴿Anyone who, after accepting Faith in Allah, utters Unbelief, - except under compulsion, his heart remaining firm in Faith - but such as open their breast to Unbelief, on them is Wrath from Allah, and theirs will be a dreadful Penalty.﴾²². This holy verse refers to Ammar bin Yasser, who was a slave of one of the Masters of Quraish and who became a Muslim, when he went to Prophet Mohammed (PBUH) telling him that he was coerced to pronounce disbelief in Allah (HBG). Prophet Mohammed (PBUH) told him that he should not fear anything as long as he had unvarying faith deep in his heart, and his convictions were constant.

2. Persuasion by Arousal of Interest, and Persuasion by Intimidation

Persuasion is either achieved by arousal of interest through offering incentives, or by intimidation or coercion. Coercion is done with all possible means, so that the persuadee is forced to agree to ideas and attitudes imposed on him/her. Coercion could be achieved when one party possesses social, economic, political, or ideological means that enable them to compel other sides to accept, and agree to, opinions or ideas. Edgar Schein first used the term "coercive persuasion" in 1961, in his study on Chinese prisoners of war. They were subjected to a process of indoctrination. They were instructed with certain information in order to convince them by force. Schein finds that the essence of coercive

persuasion is "to produce ideological and behavioral changes in a fully conscious, mentally intact individual"²³.

It is worth mentioning that there are many verses in the Glorious Koran that attempt at persuading people, by arousing their interest, to believe in Allah (HBG), His Angels, His Holy Scriptures, life after death, and fate good and bad, and to do good. Besides, other verses warn people of the penalties they may be subjected to in life on earth and afterlife, if they keep on disbelieving in Allah (HBG), and doing wicked things in life.

3. Direct Persuasion and Indirect Persuasion

Direct persuasion occurs when persuasion is carried out spontaneously without equivocation, or any influences that may provoke the persuadees or put them on the defensive. However, provoking the persuadees may bring about negative results, as they would be biased to preconceived ideas and attitudes, due to unreasonable contention, arrogance, or ignorance of the harm that may inflict them if they would not improve. Indirect persuasion, on the other hand, is often concealed, where ideas are given to recipients by insinuation, hinting at the importance and advantages of the ideas suggested to them, and then they have free choice to decide whether to adopt those ideas or to do without them.

The approaches by which direct and indirect persuasion are carried out are many and cannot be mentioned in this context. Yet one of those approaches is worthy of consideration in which indirect persuasion is achieved. This appears in the French film "Monsieur Ibrahim" (2003) starred by [Omar Sharif](#), based on the dramatic monologue *Monsieur Ibrahim and the Flowers of the Koran* by Eric-Emmanuel Schmitt.**

This film shows a Jewish boy, Moses (Momo), growing up in Paris in the 1960s, and living with his father, a fairly unsuccessful attorney, who was cruel and unaffectionate towards Moses. His mother has abandoned them when Moses was a baby.

Moses goes shopping from the neighborhood grocer, Monsieur Ibrahim, an elderly Muslim of Turkish origin, and because his father does not give him much money, so he often shoplifts. Monsieur Ibrahim knows, but he never confronts him, he only smiled. Slowly a relationship

develops between Moses and the ever-smiling grocer, who has some good lesson – smiling: a way of winning people over. However, this wise man has only one book to rely on, which is the Koran.

Moses is eventually abandoned by his father, and his heart longs for guidance and belonging. He finds the real parent in Monsieur Ibrahim, learning from him lessons of life. Moses befriended Monsieur Ibrahim, who nicknames him “Momo,” which has an interesting effect on both his sense of himself and his connection with his faith. Momo observed the old man’s behavior, who does not say much but often quotes from his beloved Koran.

One day, Momo’s mother comes to find him after his father’s death. When she arrives, she does not realize who he is, since she has never seen her son. When asked, he answers that he is not *Moses*; he is *Momo*, which he explains is short for Mohammed. His identity has shifted from the faith of his family to the faith of Ibrahim.

When Monsieur Ibrahim died, Momo inherits the shop and the Koran. The neighbors, who know Momo, notice that Momo acts as if he was Ibrahim. They even call him by the same address they used for Monsieur Ibrahim.

Thus, it is appropriate that all humans follow this humanistic approach of indirect persuasion, by setting an example, which Mr. Ibrahim used with the boy, Moses, instead of using coercion or forcing others to adopt new conceptions, values, and beliefs. This approach is even more effective and powerful than direct persuasion. It proves that those ways of accusing people of disbelief, exercising coercion to make them believers, and then practicing terrorism against them, have failed in persuading people in Islam, and worse, they have distorted the image of Islam in both Muslim and non-Muslim worlds, since those ways misrepresent the Islamic approach of persuasion. They made people look at Islam as the religion of terror that coerce people hence they reject it.

System of Persuasion Process

Persuasion process comprises of all of intellectual and behavioral processes in which one of the two parties of persuasion tries to influence the other party in order to make them change their ideas, opinions, or attitudes, partially or completely, towards changing their behavior, by persuading them using humanistic methods. The system of persuasion process consists of the following:

1. inputs
2. processes
3. outputs
4. milieu of process

1. Inputs

Inputs of persuasion process include sender and recipient. Each has attitudes, values, beliefs, aims, and experiences. In addition to that are the persuasive message and facts of the milieu of persuasion process. The following is an elaboration of these elements:

a. Sender

The sender is the side that undertakes the persuasion process. The sender may be one person, or a group of people, who should be already convinced in the opinions or behavior with which they are going to persuade the recipients. They should also be ready to carry out this undertaking, even if it requires some sort of sacrifice. The sender has to have a set of behavioral, scholarly, and cognitive traits, such as acceptance by others, high credibility, pursuit of humanistic goals, and dedication to persuasive message by word and deed. Moreover, they must not say what they do not do, so that others would not scorn them, as Allah (HBG) says in the Glorious Koran, ﴿Grievously odious is it in the sight of Allah that ye say that which ye do not.﴾²⁴.

The persuader ought to be quite able to perceive goals, needs, interests, and beliefs of contrary parties, so that they be interested in the subject of persuasion message. In addition, the persuader has to choose suitable time and place for delivering the message, and to clarify points of view in an appropriate way using effective means, and take into consideration the recipients' intellectual capacities when addressing them. Persuaders should not seek any material gain or personal benefits at the expense of recipients. They must be distinguished by unselfishness, or altruism, as described in the Glorious Koran, ﴿but give them preference over themselves, even though poverty was their (own lot). And those saved from the covetousness of their own souls; they are the ones that achieve prosperity.﴾²⁵. In appearance, the persuader has to take utmost care for outward figure and clothing to go with the situation, since this reflects his/her interest and willingness in the process, as Allah (HBG) says in the Glorious Koran, ﴿O Children of Adam! Wear your beautiful apparel at every time and place of prayer:﴾²⁶.

Furthermore, persuaders have to be able to convey ideas and opinions with exactness, and move from one point to another gradually according to the significance of each point. They must have confidence to disprove suspicion, to counter objections, and to fear no blame, Allah says in the Koran, ﴿and never afraid of the reproaches of such as find fault﴾²⁷.

Recipients should be allowed enough time to participate in the persuasion process by showing very openly their own points of view and confirmations that support those ideas. In this way, the persuaders would be able to know how to influence the recipients, and convince them that their points of view are not accurate or disapproving. However, the persuaders should do that in such a way as not to make the recipients embarrassed or ashamed. The persuaders would give the recipients every proof that would make clear that those points of view are deficient and they may even cause harm, if they would not abandon them or change their attitude. At the same time, the persuaders have to show the recipients the benefits they would get if they accept to change their minds according to the persuasive message. This has been clearly indicated in the Glorious Koran when Allah (HBG) says, ﴿And they say: "None shall enter Paradise unless he be a Jew or a Christian." Those are their (vain) desires. Say: "Produce your proof if ye are truthful﴾²⁸. Besides, the persuaders should not feel impatient or offended if they were to be disproved or derided by others. This is referred to in the Glorious Koran, as Allah (HBG) knew that Prophet Mohammed (PBUH) used to feel impatient and annoyed when he heard the infidels speak back at him, ﴿We do indeed know how thy heart is distressed at what they say.﴾²⁹.

Persuaders have to act with kindness to those who offend them, to assure them that they have good intentions and consideration. They have to declare that they aim at warding off harm, and gaining benefits to please Allah (HBG) and not to cause his wrath, ﴿but such as open their breast to Unbelief, on them is Wrath from Allah, and theirs will be a dreadful Penalty.﴾³⁰.

The persuader has also to seek Allah's (HBG) support in order to fulfill the mission efficiently, following the example of Prophet Moses (PBUH), who asked Allah (HBG) to send his brother, Aaron, to help him in that task, when Allah (HBG) sent him to the Pharaoh, ﴿(Musa) said: "O my Lord! expand me my breast," * And remove the impediment from my speech, * "So they may understand what I say" * And give me a Minister from my family, * "Harun, my brother" * Add to my strength through him, * "And make him share my task:﴾³¹.

b. Persuasive Message

The subject of persuasive message should be defined clearly and accurately, fall within the framework of recommended ethical principles, and deal with aspects that are related to recipients, aiming at achieving goals and interests of recipients. The subject must be characterized by clarity, excitement, attracting attention of recipients, and satisfying to their acceptable needs and desires. It should be presented in such ways as to enable the recipients to understand it and comprehend its purposes without much difficulty or waste of time and effort. It should also be supported by illustrations, evidences, and proofs that make the recipients accept and believe in it.

c. Recipient

It is preferable that recipients be those who are already interested in the subject of the persuasive message, and qualified to discuss that subject from emotional, social, economic, and cultural points of view. They must be highly confident in themselves as well as in others, respect various opinions and attitudes, and have desire to improve their thoughts and behavior. In addition, they should not have previous misjudgments that make them reject the contents of the message, or persuaders.

2. Processes

Processes include all activities carried out by the sender in fields related to the preparation of message and communicating it to recipient. They also include activities that are to be performed by recipients when receiving the message and comprehending it, as well as its effect on them.

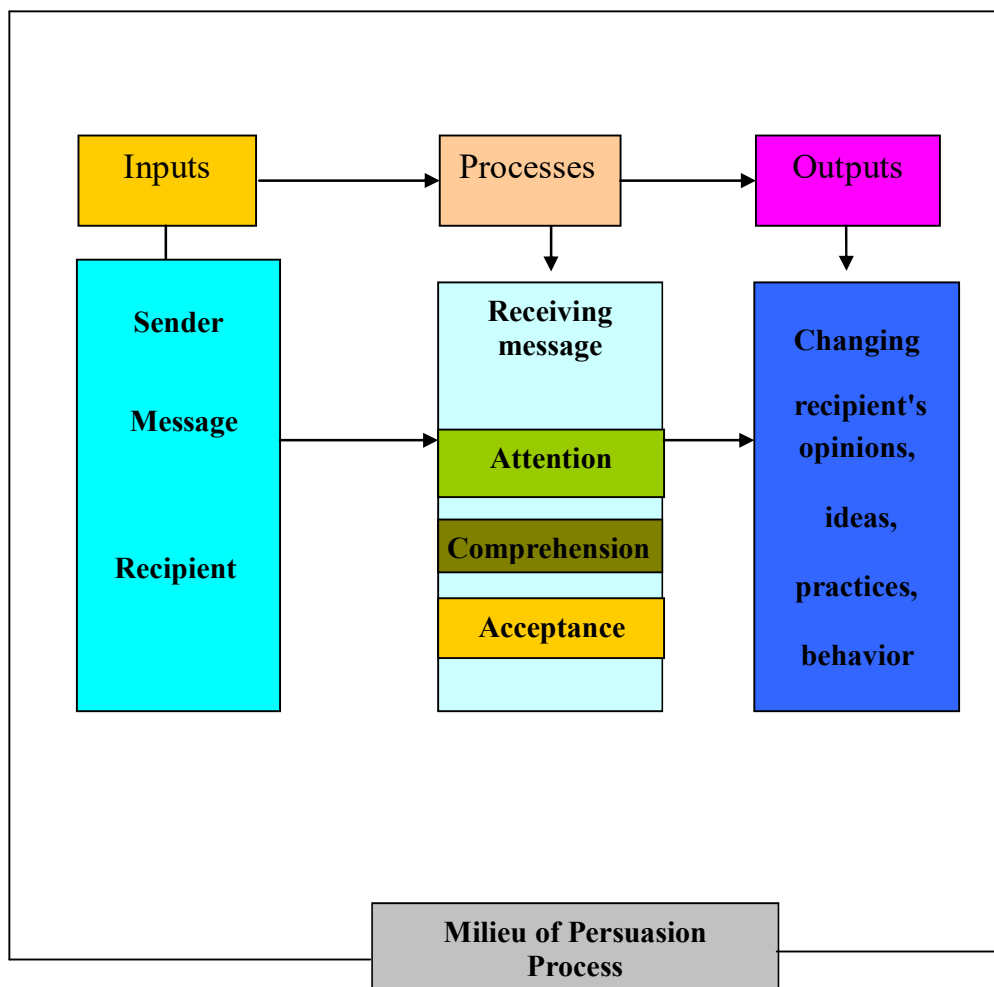
3. Outputs

Changes in thoughts and behavior of recipients represent the output to be achieved by persuasive message. The effectiveness of the persuasive process in achieving desired goals can be measured by knowing the amount of the achieved changes.

4. Milieu of Persuasion Process

The persuasion process is fulfilled in a very complex milieu that has enormous effects on both sender and recipient, in such aspects as discussing, understanding, and changing opinions and feelings. The milieu of the persuasion process consists of economic, cultural, political, social, scientific, and technical variables, within which the persuasion process is performed. Elements of the system of persuasion process are shown in Exhibit 2, as follows:

Exhibit (2)
Elements of the System of Persuasion Process



Characteristics of Persuasion Process

1. Persuasion process is a multifaceted mental process aiming at affecting intellects or emotions of others to persuade them to accept ideas and opinions forwarded to them.
2. It represents one form of communication that aims at affecting opinions, attitudes, orientation, behavior, beliefs, and values of recipients.
3. It requires from both sender and recipient a common understanding of the subject of persuasive message³².
4. It would not attain its goals in prompting desired effect and change unless there is a constructive reciprocal interaction between sender and recipient.
5. Actual persuasion process is not based on coercion and compulsion.

Obstacles of Persuasion

Some people are endowed with ability to influence others, yet this does not mean that persuasion is exclusively theirs. All people have abilities that make them realize their own talents for persuasion and enhance them by continuous training. This emphasizes the idea that persuasion is a science and an art that can be improved through learning and practice. However, there are certain obstacles that stand against persuasion processes and prevent them from attaining their goals. The following are some of those obstacles:

1. Persons persuaded by means of coercion may turn back to previous conceptions and behavior once coercion is removed, because such persuasion is temporary.
2. It is difficult to persuade others to adopt new ideas and practices when they adhere strongly to their own conceptions, and think that changing them would result in material and immaterial damages.
3. Some people refuse new conceptions with unreasonable contention, and insist on their being right and the other wrong, even if they knew very well that they were wrong.
4. The persuader's faith in ideas and practices (s)he promotes is not as strong or grounded as to persuade others, because the deprived cannot give what (s)he lacks.
5. Manner, environment, or timing of persuasion is inappropriate.
6. Persuasion process fails to promote new thoughts, or people are not prepared to receive and consider new thoughts.

7. Opinions and ideas are so many that they confuse the recipients and make them unable to comprehend and be persuaded.
8. Recipients adhere strongly to their conceptions, and this difficulty becomes more complicated when ignorance accompanies self-conceit.
9. Lack or absence of confidence between sender and recipient causes failure of the persuasion process, or makes it difficult or impossible.
10. Ignorance in the culture of cooperation between sender and recipient makes it difficult for the recipient to be persuaded.

Requirements of Developing the Persuasion Process

Efficiency of persuasion process depends on awareness of recipients' character, values, needs, and ways of attaining goals, as well as the purpose behind persuading them, and means of confronting probable resistance. The following are the requirements of developing the persuasion process to the point where goals can be achieved competently:

1. Starting from points of interest to both senders and recipients, to encourage them to expand those common interests to the level where problems caused by discrepancies in beliefs could be overcome, in order to reinforce relations between them.
2. Avoidance of argument, dispute, and alleging intents of others, so that they would not be provoked and set on the defensive even when they are not right, to become as Allah (HBG) depicts them in the Glorious Koran, ﴿When it is said to him, "Fear Allah," he is led by arrogance to (more) crime. Enough for him is Hell; an evil bed indeed (to lie on)!﴾³³.
3. Employing all possible means to promote the new ideas before persuading the others to adopt them.
4. Concentrating on explaining the basic conceptions in the persuasion process, clearly, truly, and impartially, avoiding verbosity or brevity.
5. Showing interest in the recipients' observations giving them opportunity to be the first who express their opinions in a suitable way, and avoiding scorning those thoughts initially. The Glorious Koran tells how Prophet Abraham (PBUH) gave the king Nimrood the opportunity to speak first in order to know his thoughts and then know how to refute and disprove them. Allah (HBG) says, ﴿Hast thou not turned thy vision to one who disputed with Ibrahim

about his Lord, because Allah had granted him power? Ibrahim said: "My Lord is He Who giveth life and death." He said: "I give life and death." Said Ibrahim: "But it is Allah that causeth the sun to rise from the East do thou then cause him to rise from the West?" Thus was he confounded who (in arrogance) rejected Faith. Nor doth Allah give guidance to a people unjust. ﴿٣٤﴾. Prophet Moses (PBUH) did the same, when he gave the magicians the chance to be the first to display their magical powers. Allah (HBG) says ﴿They said "O Musa! whether wilt thou that thou throw (first) or that we be the first to throw?" * He said, "Nay, throw ye first!" then behold their ropes and their rods - so it seemed to him on account of their magic, began to be in lively motion!﴾³⁵.

6. Expressing admiration of the ideas and proofs that the recipients present, that they may be employed to achieve desired goals.
7. Refuting the weak proofs decisively in order to make the recipients prepared to abandon other evidences without feeling awkward.
8. Ignoring or neglecting some of observations of recipients is considered, in some cases, the best means that encourage them to neglect those observations.
9. Analyzing dissension and preparing to confront it competently, and answer queries clearly, making use of disapproval to intensify mutual trust.
10. Using ideas and behavior of the referent group of recipients in order to induce them to accept the ideas and practices forwarded to them, especially in such situations as when the recipients are committed to their referent. For example, persuading the physician that the new medication is better becomes easier when (s)he knows that the medical union, to which (s)he belongs, has approved of its validity.

CHAPTER SIX

SYSTEM OF ISLAMIC DISCIPLINE

*I*slam was introduced to humankind to disperse the darkness of ignorance, idolatry, and the practices that exaggerated in rituals until they were turned into rigid restrictions, persistence, and monasticism. On the other hand, there was a state of moral disintegration to the extent that people were turned into a savage race alienated from previous religions and disciplines, which would regulate their lives. In addition, there was the pre-Islamic era, which was a time of infidelity and inhumane practices in most aspects of life.

In the midst of that darkness, Islam emerged as a revolutionary system that rejected most of the prevailing values and traditions that were scornful of the human mind, and did not protect rights of individuals. Islam started to demolish the outworn system and to build new one based on faith in Allah (HBG) as the one god, and on the significance of humans as the best and most dignified of Allah's (HBG) creatures. Humans are endowed with a vital mind, and with the power that enables them to dominate the world, which is created for them. Then, Allah (HBG) gives them a discipline to establish and organize their lives on its principles in order to protect themselves. Allah (HBG) says, ﴿If anyone desires a religion other than Islam (submission to Allah), never will it be accepted of him; and in the Hereafter he will be in the ranks of those who have lost (all spiritual good).﴾¹.

Islam is the last of the Abrahamic religions, so it abrogates the religions that preceded it, since it is valid for all people all over the world and for all times, and not limited to a nation or an era rather than the other. Allah (HBG) says in the Glorious Koran, ﴿We have not sent thee but as a universal (Messenger) to men, giving them glad tidings, and warning them (against sin), but most men understand not.﴾².

Islam aims at establishing justice and equality among humankind, without any discrimination between poor or rich, noble or lowly, only on the basis of faith and obedience to Allah (HBG). This has been emphasized in the Glorious Koran, ﴿O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other (not that ye may despise each other). Verily the most honoured of you in the sight of Allah is (he who is) the most righteous of you. And Allah has full Knowledge and is well-acquainted (with all things).﴾³.

Allah (HBG) has ordained people to worship Him as the one god, so that they be refined and purified, and develop strong social relations based on cooperation with benevolence and piety. Moreover, they can employ the resources in areas that achieve prosperity to all people and for the benefit of all. Allah (HBG) has also set regulations that help to organize all human dealings, based on justice, affection, and making things easy. Accordingly, people are inspired to act well and do good to attain desired goals, yet they are not forced or burdened with more than their abilities can bear.

The present chapter sheds light on the system of Islamic discipline. It defines the concept of Islam, its pillars, and its aims. It shows the sources of Islamic discipline, and the components of its system, as well as its features. As negotiation is one of the important aspects of dealings conducted by all individuals, therefore, the rules of Islamic discipline should be followed to carry out many kinds of negotiation, and to fulfill agreements that result from them.

Concept of Islam

Arabic language dictionaries define the word "Islam" as submission and compliance to the commands and prohibitions of an absolute master without any protestation. However, the general meaning of the word is submission and obedience to the one god, the Creator, Allah (HBG), and reject polytheism and be clear of the unbelievers. It is the human's total submission of all of life's affairs to Allah (HBG). This religion is called "Islam" because Muslims submit to the will of Allah (HBG), and commit themselves to follow the rules of Islam in all secular and spiritual affairs. Idiomatically, Islam is compliance and submission to the heavenly message revealed to Prophet Mohammed (PBUH), and he was ordained to deliver it to all people all over the world, and to invite them to believe in him and his message. The message contains all that is related to organizing ideological, legislative, and ethical aspects of the lives of individuals. It lays the bases of relationship between humans and their Creator, humans and inner self, and between them and other individuals

and creatures in this universe, for the goodwill of all⁴. It is the religion that Allah (HBG) wishes for humanity, He says in the Glorious Koran, ﴿The religion before Allah is Islam﴾⁵.

Islam is also defined as the set of laws or system that is revealed to Prophet Mohammed (PBUH), as Allah (HBG) says in the Glorious Koran, ﴿Then We put thee on the (right) Way of Religion: so follow thou that (Way), and follow not the desires of those who know not﴾⁶. He also says, ﴿Verily, this is My Way leading straight: follow it; follow not (other) paths: they will scatter you about from His (great) Path; thus doth He command you, that ye may be righteous.﴾⁷. So far, Islam includes two sections:

1. creed (faith or belief), “aqeeda”
2. law, (shari’a)

1. Islamic Creed (Faith or Belief)

This is related to the belief in the oneness of Allah (HBG), the Omnipotent, the only deity, who wishes that humans believe in Him with absolute faith that never wavers to any doubt or suspicion, and commit themselves to His rulings. Islamic creed includes the rules and principles related to belief in Allah (HBG), in prophethood, and divine secrets that are revealed to the Prophets and Messengers of Allah (HBG), such as knowledge of the Angels, of Resurrection, and the Day of Judgment, and other matters. Then the prophets and messengers communicated that knowledge to people as ordained by Allah (HBG), that they should believe absolutely in it and in the falsity of anything contrary to it. Therefore, the creed embraces all that is related to Allah (HBG), what He said about His Self, His Angels, His Revealed Books, His Messengers and Prophets, the Hereafter, and Destiny, good and bad⁸.

2. Law (Shari’a)

Islamic Law, Shari’a, is the legal framework within which public and private aspects of life are regulated for those living under a legal system based on [Islamic principles of jurisprudence](#) and for [Muslims](#) living outside the domain. The term in Arabic means "way" or "path to the water source". It is called Shari’a because it is headed for, or sought, like when a thirsty person goes to drink, and seeks water. Allah (HBG) says in the Glorious Koran, ﴿Then We put thee on the (right) Way of Religion: so follow thou that (Way), and follow not the desires of those who know not.﴾⁹, and, ﴿To each among you have We prescribed a Law and an

Open Way.ﷻ¹⁰. Related to Shari'a are the words "shira'a" which means law, and "tashreea'", which means legislation¹¹.

Law deals with many aspects of day-to-day life, including [politics](#), [economics](#), [banking](#), [business](#), [contracts](#), [family](#), [sexuality](#), [hygiene](#), and [social affairs](#), according to the Glorious Koran. The purpose of Islamic Law is to serve humanity by preserving religious life, intellect, money, self, and honor. These aims are for the goodwill of individual and society.

What has been mentioned so far emphasizes the fact that Islam as a religion is not limited to organize spiritual relations of humans with Allah (HBG) by worshipping Him, but also to organize secular relations, rights, and obligations, which are applicable to all times and places¹².

Pillars of Faith (Arkan al-Eman)

Faith is based on six pillars, and all Muslims should believe in all of them. They are as follows:

1. To believe in the oneness of Allah (HBG) as the Creator and the Maker (monotheism), that He is the only one worthy of worship, and to Him belong all attributes of perfection and the best of names. Islam emphasizes the oneness and infallibility of Allah (HBG). He is the Eternal who begets not, nor is He begotten, who has no partner in His dominion, there is nothing whatever like unto Him, highly praised and glorified is He. No vision can grasp Him, but His grasp is over all vision, to Him belongs all the dominion of the heavens and the earth, and what is between them and what is beneath.
2. To believe in the Angels: is the absolute faith that Allah (HBG) has angels created from light, and who do not recoil from executing the Commands they receive from Allah (HBG), but do precisely what they are commanded.
3. To believe in all of the Messengers of Allah (HBG) without discrimination or favoring one over the others.
4. To believe in the Holy Scriptures that Allah (HBG) revealed to His Prophets (PBUH). Those Scriptures are the Books of Abraham (PBUH), the Psalms (Zaboor) revealed to David (PBUH), the Torah (The Law) of Moses (PBUH), the Gospel (Injeel) of Jesus (PBUH), and the Koran.
5. To believe in the Day of Judgment, which means to believe in all what Allah (HBG) has revealed to Prophet Mohammed (PBUH) about death, Resurrection, Paradise, and Hell.

6. To believe in Destiny (or Predestination) be it good or bad, and that all good and bad are the ordering of Allah (HBG).

Pillars of Islam

Islam is based on five pillars or religious duties that each Muslim should perform to be a true believer. Those pillars are as follows:

1. The testimony of faith (Shahada): is that which a person must recite in order to become a Muslim. It is the act of witnessing that there is no god but Allah (HBG) and that Muhammad is His prophet, servant, and messenger. It says, "There is no god but Allah. Muhammad is the Messenger of Allah".
2. The Prayer (Salah): the ritual prayer. A Muslim does his/her prayer five times a day. It is the link between Allah (HBG) and humans, if a human would not perform it that tie will be severed. It is the important pillar of religion, when it would be performed well Allah (HBG) will approve it, and other duties will be approved as well, if otherwise, other duties will be rejected as well.
3. The Almsgiving (Zakaah): is the compulsory "purifying" tax on wealth given yearly by those who must pay it. The money goes to certain people as designated in the Koran, who are in need and deserve help. The word "zakaah" is derived from the Arabic word meaning purification, growth, and sweetening. It supports the needy persons and helps to enhance social relations and solidarity among people.
4. Fasting (Seyam): each healthy adult Muslim has to fast all through the ninth month of the Hijri calendar, Ramadan. Fasting means not to eat or drink from dawn to sunset, and not to have sexual intercourse as well. It also aims to prevent one's self from any wrongdoing such as telling a lie, stealing, spitefulness, deception, etc., as well as to look at the opposite sex with desire. Fasting, therefore, aims at elevating the soul above the desires of the flesh.
5. Pilgrimage to Mecca (Hajj): it is to go to the Sacred Mosque in Mecca, and perform certain rituals in the twelfth month of the Hijri calendar, Dhul-Hija. It is obligatory for each adult Muslim who can afford for the pilgrimage, at least once in a lifetime.

Objectives of Islam

Islam appeared with definite and clear humanistic objectives, that are intelligible and unambiguous, and all fall within the potentials of individual and community. The objectives of Islam are not difficult to understand or hard to achieve, because Allah (HBG) the Omniscient, who knows human capacities, has delineated them and, thus, He would not impose on humans duties more than their abilities. Allah (HBG) also sent His Messenger Mohammed (PBUH), to preach those objectives to humankind, and to explain how to achieve them, so that people should have no plea against Allah (HBG). The purposes of Islam may well be reviewed as follows:

1. Human beings represent Allah's (HBG) vicegerent on earth, and Allah (HBG) has endowed humans with the bliss of mind and subjected to them anything that may help in achieving permissible goals according to the Law of Allah (HBG).
2. Islam aims to elevate individuals above outworn paganism and polytheism to monotheism and to the worship of Allah (HBG) alone.
3. Islam does not deal with those who do not follow the Islamic Creed as enemies, unless they declare enmity and war against Islam. However, Islam deals with non-Muslims as fellow humans towards whom Islam has the duty of helping them to have a noble life.
4. Islam rejects the previous traditions and customs that prevailed in society, which are based on injustice and libertine practices, offensive nicknaming, casteism (class distinction), burying alive of female infants and other behavioral practices that tear society apart and increase backwardness.
5. Islam prohibits all activities and practices that are based on monopolization of resources, unlawful moneymaking or prosperity, usury, and other economic practices when wealth becomes in the hands of few persons in the whole society, because that leads to social disintegration.
6. Islam aims at building human society based on love and friendliness, so that anyone who does not wish for his/her fellows what (s)he wishes for him-/herself is considered unbeliever. Muslims should help one another and cooperate according to Islamic Law.
7. Islam obliges rich people to pay the Alms-tax, and be charitable to those in need, so that to diminish and abolish poverty.

8. Islam aims at liberating humans from enslavement, and preserving their rights in religion, honor, and property.
9. Islam encourages work and learning owing to their vital role in elevating society to a better life. That is the reason why work and learning are considered duties that any Muslim should be committed to.

The objectives of Islam are set to purify souls, to endow society with security and peace, and to take individuals out of the darkness of ignorance to the light of knowledge and faith. The purpose of Islam is to guide humanity to what is most right for individual and community at all times and places. Thus, it contains all that which satisfies physical and spiritual needs of individuals and communities, and establishes justice and equality. It helps societies to have solidarity and balance between interests of individuals and those of the whole society. That is why Allah (HBG) tells Prophet Mohammed (PBUH), ﴿We sent thee not, but as a mercy for all creatures.﴾¹³.

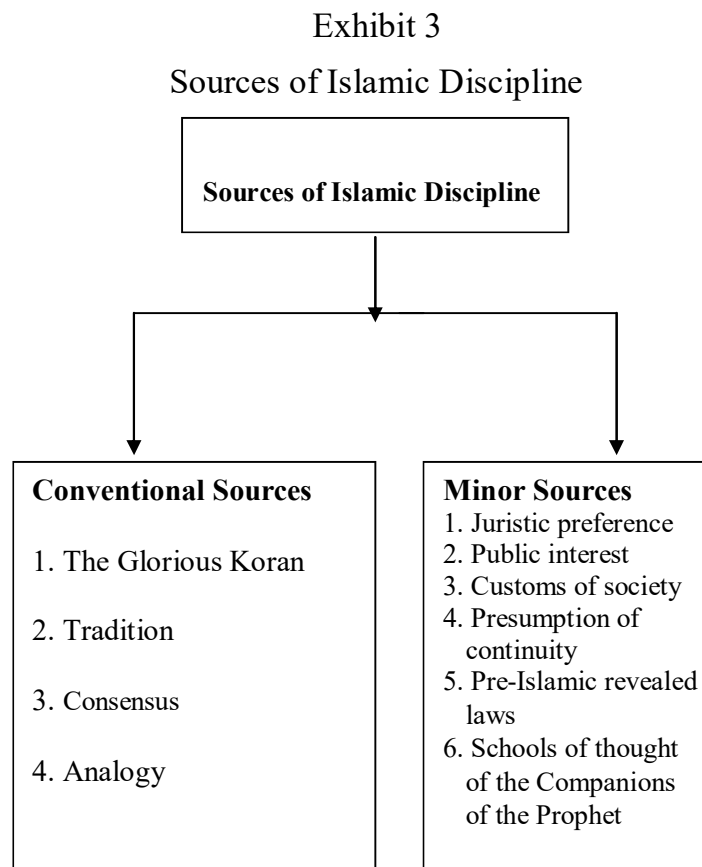
Characteristics of the Objectives of Islam

1. They are strategic which do not end with an era, but extend to all times till the end of the world, when Allah (HBG) takes hold of this life.
2. They are directed to all people, as indicated in the Glorious Koran, Allah (HBG) says, ﴿We have not sent thee but as a universal (Messenger) to men, giving them glad tidings, and warning them (against sin), but most men understand not.﴾¹⁴, and, ﴿We sent thee not, but as a mercy for all creatures.﴾¹⁵. He also says, ﴿And We have sent thee as a Messenger to (instruct) mankind﴾¹⁶. As for the other messengers of Allah (HBG) who came prior to Islam, they were sent for specific nations and for certain times. This is emphasized in Prophet Mohammed's (PBUH) saying, "Each of the Messengers was sent for his own nation, but I am sent to the entirety of people".
3. They are easy to attain, Allah (HBG) says, ﴿Allah intends every facility for you; He does not want to put you to difficulties. (He wants you) to complete the prescribed period, and to glorify Him in that He has guided you; and perchance ye shall be grateful.﴾¹⁷.
4. They help protect individuals, grant them free and decent life, and protect their rights in work, property and freedom of thought, as well as satisfy social, moral, and spiritual needs.

5. They help to organize human relations on basis of cooperation, benevolence, and righteousness, and to enjoin what is right and forbid what wrong. They also forbid injustice, oppression, selfishness, envy, and all practices that could lead to disintegration of society.
6. They achieve fair and humanistic equilibrium between individual goals and goals of community as a whole.
7. They acknowledge the fact that each of soul and body has its requirements and needs that should be satisfied and sufficed. This has been emphasized in the Glorious Koran, ﴿But seek, with the (wealth) which Allah has bestowed on thee, the Home of the Hereafter, nor forget thy portion in this World:﴾¹⁸. This holy verse shows that Allah (HBG) allows what would satisfy the needs of the soul by worshipping Him, and the needs of the body by what is good and pleasant of livelihood. Prophet Mohammed (PBUH) also emphasized this by saying, "Certainly, your God has right upon you, your soul has right upon you, and your spouse has right upon you; hence give everyone due right".
8. Islam considers life on earth as a farm for the afterlife. That is, humans work on earth and do good deeds in order to win Allah's (HBG) heaven. This indicates that worldly existence does not contradict the heavenly one, but that it is the threshold to the second life. In the Glorious Koran, Allah (HBG) tells the righteous people to pray saying, ﴿And there are men who say: "Our Lord! Give us good in this world and good in the Hereafter, and defend us from the torment of the Fire!"﴾¹⁹.
9. The objectives of Islam cannot be attained by praying and fancying, but by diligence and performing good work. Allah (HBG) tells the Muslims in the Glorious Koran, ﴿Not your desires, nor those of the People of the Book (can prevail): whoever works evil, will be requited accordingly. Nor will he find, besides Allah, any protector or helper.﴾²⁰, and, ﴿And say: "Work (righteousness): soon will Allah observe your work, and His Messenger, and the Believers: soon will ye be brought back to the Knower of what is hidden and what is open: then will He show you the truth of all that ye did."﴾²¹. That is why the phrase "work righteousness" comes immediately after the word "believe" in most of the verses of the Koran.

Sources of Islamic Discipline

Islamic discipline relies on two sets of sources, the first is known the conventional, or the major, sources, and the second is the secondary or minor ones, as shown in Exhibit 3.



I. Conventional Sources

The conventional sources are those which are agreed upon by all Muslim Scholars, "Ulamaa". These sources include the following:

1. The Glorious Koran
2. Tradition of Prophet Mohammed (PBUH), "Al-Sunna"

3. Consensus, "Ijmaa"

4. Analogy, "Qiyas"

1. The Glorious Koran

The Glorious Koran is considered the first source and the basis of Islamic discipline. It is the book of Allah the Almighty. It is defined as the Arabic utterance revealed to Prophet Mohammed (PBUH) and conveyed to the subsequent generations by succession²². The Glorious Koran consists of the words of Allah (HBG); therefore, it is not liable to undergo any change or doubt. It could not be corrupted, as Allah (HBG) says, ﴿We have, without doubt, sent down the Message; and We will assuredly guard it (from corruption)﴾²³. This verse indicates that Allah (HBG) promises to protect this book so that it will not be feigned, nor altered or twisted or concealed at all.

The Glorious Koran represents the miracle of Islam. Since miracle is an occurrence that cannot be interpreted by the laws of nature, so the Glorious Koran is the linguistic miracle. This is due to its powerful and eloquent Arabic language whose purity and style cannot be reproduced by the greatest and most eloquent of the Arab poets of that time (and all times), who were known by their linguistic eloquence, poetic gift, and their love of poetic and stylistic competence. Moreover, it will remain a miracle to the end as it contains scientific evidences that are unknown at the time it was first revealed, but proved in the modern times with the progress and development of sciences. This is enough proof that the Koran could never be human.

The Glorious Koran is known by other various names such as the Revelation, the Message, the Message of Wisdom, the Perspicuous Book, the Criterion of Judgment, the Light, the Evidence, the Book, etc. It falls into 30 parts to include 114 chapters (Sura). It was first revealed to Prophet Mohammed (PBUH) in Mecca, when he was worshipping in the cave of Hiraa. The first thing revealed was ﴿Proclaim! (or Read!) In the name of thy Lord and Cherisher, Who created, * Created man, out of a (mere) clot of congealed blood: * Proclaim! and thy Lord is Most Bountiful, * He Who taught (the use of) the Pen, * Taught man that which he knew not.﴾²⁴. The last thing revealed 23 years later was ﴿Say: I seek refuge with the Lord and Cherisher of Mankind,* The King (or Ruler) of Mankind, * The God (or Judge) of Mankind, * From the mischief of the Whisperer (of Evil), who withdraws (after his whisper), * (The same) who whispers into the hearts of Mankind, * Among Jinns and among Men.﴾²⁵. The Muslims have to believe in the entire book and act according to its catechisms in worshipping Allah (HBG) and in their dealings²⁶.

Allah (HBG) has described the Glorious Koran as the guidance to the believers who fear Allah (HBG), ﴿This is the book; in it is guidance, sure, without doubt, to those who fear Allah;﴾²⁷, confirming of what went before in the previous revealed scriptures, and a message of hope, ﴿Say: Whoever is an enemy to Gabriel for he brings down the (revelation) to thy heart by Allah's will, a confirmation of what went before, and guidance and glad tidings for those who believe.﴾²⁸. It is also a plain statement, guidance, and instruction, ﴿Here is a plain statement to men, a guidance and instruction to those who fear Allah!﴾²⁹, that takes humans from the darkness of ignorance to the light of knowledge, ﴿Alif Lam Ra. A Book which We have revealed unto thee, in order that thou mightest lead mankind out of the depths of darkness into light - by the leave of their Lord - to the Way of (Him) the Exalted in Power, Worthy of all Praise!﴾³⁰. It is the best discourse, ﴿Allah has revealed (from time to time) the most beautiful Message in the form of a Book, consistent with itself, (yet) repeating (its teaching in various aspects): the skins of those who fear their Lord tremble thereat; then their skins and their hearts do soften to the celebration of Allah's praises. Such is the guidance of Allah: He guides therewith whom He pleases, but such as Allah leaves to stray, can have none to guide.﴾³¹, and the most precious treasure a human may keep, ﴿Say: "In the Bounty of Allah. And in His Mercy, in that let them rejoice": that is better than the (wealth) they hoard.﴾³². It is also a cure for the souls of those who believe, ﴿Had We sent this as a Qur-an (in a language) other than Arabic, they would have said: "Why are not its verses explained in detail? What! (a Book) not in Arabic? And (a Messenger) an Arab?" Say: "It is a guide and a healing to those who believe; and for those who believe not, there is a deafness in their ears, and it is blindness in their (eyes): they are (as it were) being called from a place far distant!"﴾³³, that gives hope of eternal reward to the righteous, ﴿Verily this Qur-an doth guide to that which is most right (or stable), and giveth the glad tidings to the Believers who work deeds of righteousness, that they shall have a magnificent reward﴾³⁴.

Prophet Mohammed (PBUH) described the Glorious Koran saying, "In it are the tidings of the previous nations, of what will come later, and of the present rule. It is the judgment, not a thing of amusement. No one abandon it in insolence, Allah (HBG) would not destroy him, and who seeks guidance by another book, Allah (HBG) will make him go astray. It is the strong Rope of Allah (HBG), the Message of Wisdom, and the Straight Way. With it, the desires would not wander away, nor would the languages be obscure. Its wonders will never cease, nor would the opinions of it split. The scholars are never satisfied of it, and the pious are never tired of it. Who learns its wisdom, will triumph, and whoever speak by it, will say the truth. Anyone follows its judgment will be just, and

anyone follows its teachings will be rewarded. Whoever invites others to it will be guided to the Straight Path”³⁵.

Imam Ali bin Abi Talib shows the dignified state of the Koran saying, "O, know ye that this Koran is the advisor that never deceives, the guide that never misleads, and the speaker that never tells lies. No one ever accompanies it if he would not end with an increase and a decrease: increase of guidance, and decrease of ignorance. Know you that with it, there is no poverty, and without it, there was no richness, so you should seek it for cure, since it cures from infidelity, hypocrisy, sin, and misguidance. You appeal to Allah (HBG) with it, set your faces towards Him by loving it, and do not turn to a human, since no humans would appeal to Allah (HBG) by a thing besides it. Know you that it is the interceding intercessor, the truthful speaker, if it intercedes to anyone in doomsday that will be deliverance, and if it would fail anybody in doomsday, it will prove against him"³⁶.

Prophet Mohammed (PBUH) used to read verses of the Koran to his companions so that they memorize them. Then after the passing away of Prophet Mohammed (PBUH), his companions wrote it down in order to make it known to all Muslims, that they be able to read and study it, and act according to its rulings and teachings in posterity and every where.

Demonstrability* of the Glorious Koran

All Muslims agree always and incessantly, that the Glorious Koran is the revealed scripture, that Allah (HBG) revealed it to Prophet Mohammed (PBUH) in Arabic in all its words and meanings, which comes down to generations by genuine succession, and that all the textual rulings or injunctions in the Koran are the same as when they were revealed to Prophet Mohammed (PBUH), who imparted it to the Arabs without distortion or alteration. Thus, it is a demonstration that one should be committed to, and acts according to, all its judgments and rulings. Moreover, when it does not give a definite judgment on a certain subject, one should never resort to any other text than the Koran.

Domains Tackled by the Koran

The Glorious Koran is considered Allah's (HBG) gift to humans. It is the constitution, which shows the way to happiness in this life and in the hereafter. The texts that recurred in the Koran deal with organizing different aspects of life of individuals and groups, in spiritual and secular matters. It does not let any affair without setting for them rules and

judgments that help in achieving all that is good for people until doomsday. Among those areas that the Koran treated are the following:

1. It proves that Allah (HBG) alone is worth worshipping, since He is the Creator of everything, and to Him goes all that is in heaven and earth. He is the only One Who could be asked to ward off harm, bring in well-being, and the only One who answers the demands of humans, and He is the Omnipotent.
2. It confirms that human is God's vicegerent on earth, as emphasized in the Glorious Koran, ﴿Behold, thy Lord said to the angels: "I will create a vicegerent on earth"﴾³⁷. That Allah (HBG) has entitled humans to inhabit this universe, and that diversity in human abilities and talents is intended for a sublime purpose and a great wisdom, which is recognized by none other than Allah (HBG).
3. It clarifies the point that Allah (HBG) has ordered the Angels to kneel in honor to the human, as Allah (HBG) said, ﴿When I have fashioned him (in due proportion) and breathed into him of My spirit, fall ye down in obeisance unto him." * So the angels prostrated themselves, all of them together﴾³⁸.
4. It shows that the purpose behind the creation of man and jinn is to worship the one God, as Allah (HBG) says in the Koran, ﴿I have only created Jinns and men, that they may serve Me.﴾³⁹.
5. It emphasizes that Allah (HBG) has full power and control over His affairs, that He and His Messengers who must prevail, that it is the Fellowship of Allah (HBG) that must certainly triumph, and that those who resist Allah (HBG) and His Messenger will be among those most humiliated, ﴿Allah has decreed: "It is I and My Messengers who must prevail": for Allah is One full of strength, able to enforce His Will﴾⁴⁰.
6. It aims at organizing human belief in Allah (HBG), His Angels, His revealed books, the hereafter, and heaven and hell, then to define religious duties.
7. It contains rulings, laws, and principles that organize dealings among humankind, which should be based on justice, equality, compassion, and cooperation for what is good to all humanity.
8. It contains textual rulings that aim at cultivating human soul, and delineating the qualities an individual should possess. Those qualities should be good morals like modesty, altruism, fidelity, honesty, integrity, resolve, valor, forbearance, tolerance, patience, doing right, and giving alms without a reminder of generosity or by injury with harmful words. It also contains rulings that define the

practices and behavior individuals should avoid because they lead to vices and have harmful effects on both individual and society. Those traits are stealing, lying, hypocrisy, arrogance, lack of kindness, envy, mistrust, dishonesty, betrayal, cheating, bribery, avarice, injustice, aggression, cowardice, indecision, and other traits that fall within this category.

9. It shows that Allah (HBG) delivers the Messengers and Prophets and leads them to Heaven, and cast unbelievers, hypocrites, polytheists, and evildoers into Hell, as a recompense for their acts and wrong doings. This is explained in the Koran, as Allah (HBG) says, ﴿Fain would they extinguish Allah's Light with their mouths, but Allah will not allow but that His Light should be perfected, even though the Unbelievers may detest (it).﴾⁴¹. He says, ﴿Never think that Allah would fail His Messengers in His promise: for Allah is Exalted in Power, the Lord of Retribution﴾⁴². He also says, ﴿But those who have Faith and work righteousness. They are Companions of the Garden: therein shall they abide (forever).﴾⁴³ and, ﴿But those who reject Faith and belie Our Signs, they shall be Companions of the Fire; they shall abide therein.﴾⁴⁴.
10. It explains the suffering of the Prophets and Messengers when they communicated the messages of Allah (HBG) to their nations, so that Prophet Mohammed (PBUH) and his companions would be firm in their mission, as is shown in many verses of the Koran.
11. It tells Prophet Mohammed (PBUH) about events that later took place such as the Battle of Badr, the triumph of the Romans, and the Conquest of Mecca. Allah (HBG) says in the Glorious Koran, ﴿The Roman Empire has been defeated, * In a land close by: but they, (even) after (this) defeat of theirs, will soon be victorious﴾⁴⁵. He also says, ﴿Truly did Allah fulfill the vision for His Messenger: ye shall enter the Sacred Mosque, if Allah wills, with minds secure, heads shaved, hair cut short, and without fear. For He knew what ye knew not, and He granted, besides this, a speedy victory﴾⁴⁶.
12. It reveals truths and undisclosed facts related to the creation of man and organizing of the universe. It tells of the creation of planets, plants, animals, the skies, the earth, water, wind, and the succession of night and day, to show to humankind His omnipotence and ability to create and excel, as well as the prominence of His wisdom and the immensity of His compassion. This has been indicated in the Glorious Koran: ﴿And in the alternation of Night and Day, and the fact that Allah sends down Sustenance from the sky, and revives therewith the earth after its

death, and in the change of the winds, are Signs for those that are wise. ﴿٤٧﴾.

13. It refutes suspicions and fallacies of the people of the Book, inviting them to believe and act in response to the Glorious Koran which was revealed to Prophet Mohammed (PBUH).
14. It defies the Arabs, who were known for eloquence, verbal talents and oration, that they may bring something like the Koran even if it be one sura (chapter), or one of the shortest chapters. This is to show that the Arabic verses in the Glorious Koran cannot be a human invention but it is divine coming down from Allah (HBG) and revealed to His Messenger, as Allah (HBG) tells us, ﴿Or do they say, "He forged it?" Say: "Bring then a Sura like unto it, and call (to your aid) anyone you can besides Allah, if it be ye speak the truth!"﴾⁴⁸. Thus, the Glorious Koran is the greatest marvel ever introduced by Prophet Mohammed (PBUH) of the kind the Arabs were well-known of.
15. It refers to the fact that the revealed Scriptures before the Glorious Koran were subjected to alteration and misrepresentation, ﴿Of the Jews there are those who displace words from their (right) places﴾⁴⁹. It also shows that those texts were written down according to personal desires ﴿Then woe to those who write the Book with their own hands, and then say: "This is from Allah," to traffic with it for a miserable price! Woe to them for what their hands do write, and for the gain they make thereby﴾⁵⁰, and that some of the texts were concealed, Allah (HBG) says, ﴿O People of the Book! there hath come to you Our Messenger, revealing to you much that ye used to hide in the Book, and passing over much (that is now unnecessary):﴾⁵¹. Whereas the Glorious Koran has been, and will be, preserved and protected against alteration or variation, until doomsday, as Allah (HBG) promises, He says, ﴿We have, without doubt, sent down the Message; and We will assuredly guard it (from corruption).﴾⁵².
16. It wants to make Prophet Mohammed (PBUH) firm and persistent to be able to overcome the difficulties he faced, and to be patient with those who hurt him while he communicated his message. The Glorious Koran emphasizes that: ﴿Those who reject Faith say: "Why is not the Qur-an revealed to him all at once? Thus (is it revealed), that We may strengthen thy heart thereby, and We have rehearsed it to thee in slow, well-arranged stages, gradually.﴾⁵³.

17. It counters the suspicions of the polytheists and refutes their demonstrations, Allah (HBG) says, ﴿And no question do they bring to thee but We reveal to thee the truth and the best explanation (thereof)﴾⁵⁴.
18. It induces all humans to reflect on, and contemplate, the universe, the creation, life, death, and resurrection. It also encourages people to seek useful knowledge and good work, and to employ all potentials competently for the benefit of humanity. The Glorious Koran says ﴿Behold! In the creation of the heavens and the earth; in the alternation of the Night and the Day; in the sailing of the ships through the Ocean for the profit of mankind; in the rain which Allah sends down from the skies, and the life which He gives therewith to an earth that is dead; in the beasts of all kinds that He scatters through the earth; in the change of the winds and the clouds which they trail like their slaves between the sky and the earth, (here) indeed are Signs for a people that are wise﴾⁵⁵. It also says, ﴿With it He produces for you corn, olives, date palms, grapes, and every kind of fruit: verily in this is a Sign for those who give thought.﴾⁵⁶.
19. It shows that Allah (HBG) forgives repentant humans, as He says in the Glorious Koran, ﴿Allah accepts the repentance of those who do evil in ignorance and repent soon afterwards; to them will Allah turn in mercy: for Allah is Full of Knowledge and Wisdom﴾⁵⁷. At the same time, humans must not be desperate of Allah's (HBG) compassion, since his kindness is overwhelming, ﴿He said: "And who despairs of the mercy of his Lord, but such as go astray?"﴾⁵⁸.
20. Allah (HBG) confirms that He alone has full knowledge of the unknown, or the unseen, which is divine secret, and which is beyond the reach of human perception, and that humans cannot attain any knowledge of the mysterious even if they claim knowledge. Allah (HBG) says in the Glorious Koran, ﴿He (alone) knows the Unseen, nor does He make anyone acquainted with His Mysteries,﴾⁵⁹. He also says, ﴿Verily the knowledge of the Hour is with Allah (alone). It is He Who sends down rain and He Who knows what is in the wombs. Nor does anyone know what it is that he will earn on the morrow; nor does anyone know in what land he is to die. Verily with Allah is full knowledge and He is acquainted (with all things).﴾⁶⁰. The following are those certain things that are unknown or hidden to humans, and that Allah (HBG) would never reveal to the human mind:
- Knowledge of the Hour of Judgment, which will be in Doomsday, Allah (HBG) says, ﴿They ask thee about the (final) Hour, when will be its appointed time? Say: "The knowledge thereof

is with my Lord (alone): none but He can reveal as to when it will occur. Heavy were its burden through the heavens and the earth. Only, all of a sudden will it come to you.” They ask thee as if thou wert eager in search thereof: say: “The knowledge thereof is with Allah (alone), but most men know not.” ﴿٦١﴾

- Time of the falling of rain and amount of rain to fall on earth, Allah (HBG) says in the Glorious Koran, ﴿Verily the knowledge of the Hour is with Allah (alone). It is He Who sends down rain and He Who knows what is in the wombs. Nor does anyone know what it is that he will earn on the morrow; nor does anyone know in what land he is to die. Verily with Allah is full knowledge and He is acquainted (with all things).﴾⁶².
- Allah (HBG) alone causes whom He wills to rest in the wombs for an appointed term, ﴿O mankind! If ye have a doubt about the Resurrection, (consider) that We created you out of dust, then out of sperm, then out of a leech-like clot, then out of a morsel of flesh, partly formed and partly unformed, in order that We may manifest (Our Power) to you; and We cause whom We will to rest in the wombs for an appointed term, then do We bring you out as babes, then (foster you) that ye may reach your age of full strength; and some of you are called to die, and some are sent back to the feeblest old age, so that they know nothing after having known (much). And (further), thou seest the earth barren and lifeless, but when We pour down rain on it, it is stirred (to life), it swells, and it puts forth every kind of beautiful growth in pairs.﴾⁶³.
- Allah (HBG) alone determines the livelihood, sustenance, and possessions of humans as for wealth and children one would beget. Allah (HBG) says, ﴿For Allah is He Who gives (all) Sustenance, - Lord of Power – steadfast (forever).﴾⁶⁴, and, ﴿Or He bestows both males and females, and He leaves barren whom He will: for He is full of Knowledge and Power﴾⁶⁵.
- Allah (HBG) alone knows the time, date, and place of dying, and that no human can anticipate that. Allah (HBG) says, ﴿Verily the knowledge of the Hour is with Allah (alone). It is He Who sends down rain and He Who knows what is in the wombs. Nor does anyone know what it is that he will earn on the morrow; nor does anyone know in what land he is to die. Verily with Allah is full knowledge and He is acquainted (with all things).﴾⁶⁶. This is considered one of the many blessings from Allah (HBG) to humans, as He wills that humans should have and enjoy hope in life, so that they would carry on their activities and work. Otherwise, they would sit desperate, frightened, and doing nothing only waiting for their lives to expire.

Nature of the Rulings of the Koran

Exhibit 4 shows the rulings and orders that are indicated in the Glorious Koran, according to their features and conceptions. They are categorized as follows:

- A. definitive rulings, "Qat'ee"
- B. speculative rulings, "Dhanni"

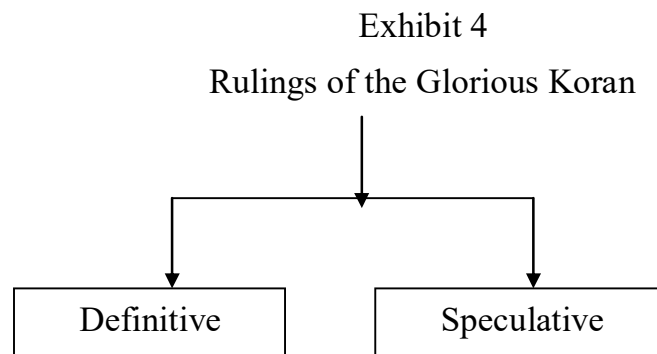
A. Definitive Rulings

Definitive rulings, "Qat'ee", mean unequivocal, free of speculative content. Those rulings are indicated to show certain clear rulings and orders that do not imply any ambiguity or misinterpretation, and there is no way for any independent reasoning, or analytical thought, no matter what time, place, or circumstances may change. These rulings appear in the fundamental verses, i.e. those of established meaning, which aim at defining acts and practices that are lawful and permitted and those that are prohibited or forbidden, religious duties or obligatory actions, the promise of good recompense, the threat of painful requital, reward, and punishment. An example of the verses that give definitive rulings is this one, ﴿In what your wives leave, your share is a half, if they leave no child; but if they leave a child, ye get a fourth; after payment of legacies and debts. In what ye leave, their share is a fourth, if ye leave no child; but if ye leave a child, they get an eighth; after payment of legacies and debts. If the man or woman whose inheritance is in question, has left neither ascendants nor descendants, but has left a brother or a sister, each one of the two gets a sixth; but if more than two, they share in a third; after payment of legacies and debts; so that no loss is caused (to anyone). Thus is it ordained by Allah; and Allah is All-Knowing, Most Forbearing.﴾⁶⁷.

B. Speculative Rulings

Those are the approximate or doubtful, "Dhanni". Those rulings are stated in the texts that define general rules and principles but are open to interpretation according to the Law of Allah (HBG). An example of the speculative rulings is this verse in the Glorious Koran, ﴿Prohibited to you (for marriage) are: your mothers, daughters, sisters; father's sisters, mother's sisters; brother's daughters, sister's daughters; foster-mothers (who gave you suck), foster-sisters; your wives' mothers; your step-daughters under your guardianship, born of your wives to whom ye have gone, no prohibition if ye have not gone in; (those who have been) wives of your sons proceeding from your loins; and two sisters in wedlock at one and the same time, except for what is past; for Allah is Oft-Forgiving, Most Merciful﴾⁶⁸.

In this verse, marriage between foster sister and foster brother is forbidden, which is a definitive ruling, but the amount of sucking that determines the prohibition is not defined. As a result, Islamic scholars have different opinions and different evidences to support their opinions. It is definitive in the general ruling, but speculative in the details related to the definitive ruling. Allah (HBG) wants those rulings to provide sort of flexibility for humankind, so that no difficulty is to be imposed on them. Therefore, independent reasoning and analytical thought are allowed within the framework of Islamic Law, to make things more practical and easier to apply.



2. Tradition of Prophet Mohammed (PBUH), "Al-Sunna"

Before any explanation of the Tradition of Prophet Mohammed (PBUH) and its importance, the distinction between prophet and messenger must be delineated. Theologians define the prophet as a free human male to whom Allah (HBG) reveals some law or commandment even if he is not ordained to communicate it to people. Whereas the messenger is a free human male to whom Allah (HBG) reveals some law and he is ordained to communicate it to people. That is, the prophet, "nabi", is a man sent by Allah (HBG) to give guidance, but is not given a scripture. The messenger, "rasul", in contrast, is given a scripture. However, all messengers are prophets, but not all prophets are given scriptures. The Glorious Koran confirms that Prophet Mohammed (PBUH) is a prophet and a messenger, ﷺ Muhammad is not the father of any of your men, but (he is) the Messenger of Allah, and the Seal of the Prophets: and Allah has full knowledge of all things. ﴿٦٩﴾.

The messengers and the prophets, who are the chosen individuals, are distinguished among other people by their high moral stature, sincerity, honesty, modesty, compassion, and kindness. Therefore, Allah (HBG) chose them to communicate His messages to people, and He provided them with miracles and proofs that persuade people to believe them, they also give promise of Allah's (HBG) favor and reward for those who believe and do good. At the same time, they warn those who refuse to believe and do evil, against Allah's (HBG) wrath. This confirms the fact that Allah (HBG) sent His prophets and messengers in order for people to have no plea against Allah (HBG).

Concept of Tradition "Al-Sunna"

The concept of the Tradition of Prophet Mohammed (PBUH) "sunna" is derived from the Arabic word that means the trodden path or track, hence the method, be it commendable or ill favored. This is explained in the Prophet's saying, "Any one who initiates a line of conduct that is good, will be recompensed for it and for all who follow it till doomsday. And any one who initiates a line of conduct that is bad will endure his sin and the sins of all who follow it till doomsday". According to the scholars, the concept of Tradition refers to anything the Prophet (PBUH) said, did, agreed to, or condemned. The concept, according to Islamic Law, refers to all that is proved of Prophet Mohammed (PBUH) without presumption or obligation, or opposition of obligation, and any other of the five rulings⁷⁰.

The Tradition of Prophet Mohammed (PBUH) is called "wisdom" because wisdom incorporates the soundness of speech, the correctness of action, the appropriateness of both, and suitability of situation. No doubt, the Prophet's actions and sayings are the embodiment of wisdom⁷¹.

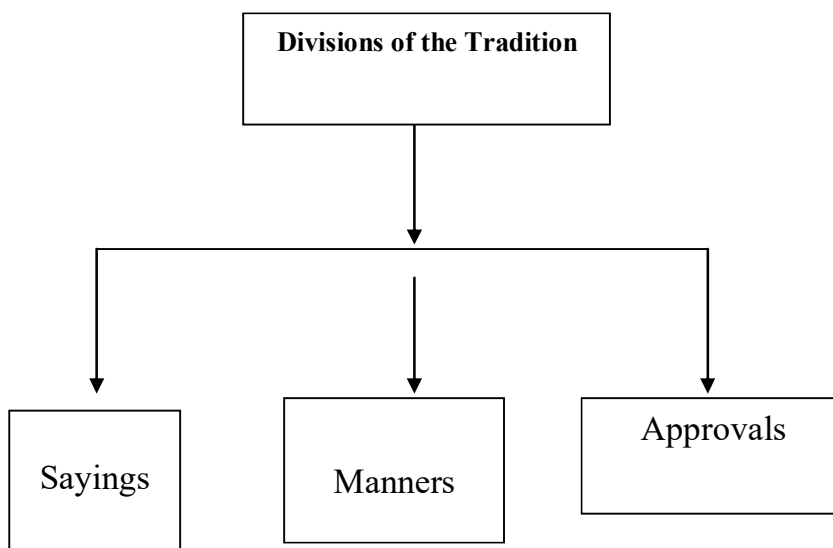
Importance of Tradition

The Tradition, "Sunna", of Prophet Mohammed (PBUH) is considered the second source of Islamic discipline, which is agreed upon by all Muslims. It includes all that is said by the Prophet, such as "Truly that actions should be consistent with intentions", and "The two sales are optional unless they separate". It also includes the actions of the Prophet in performing religious duties such as the prayers and pilgrimage, and his judging by witness and oath, and other dealings and matters, which are transmitted through his companions. Tradition also comprises all the actions of other persons that Prophet Mohammed (PBUH) approved or

confirmed, being good, or did not oppose, which is an indication of acceptance⁷².

The Tradition has an important part in confirming, explaining, and illustrating the rulings included in the Glorious Koran, as when Allah (HBG) says, ﴿(We sent them) with Clear Signs and Scriptures and We have sent down unto thee (also) the Message; that thou mayest explain clearly to men what is sent for them, and that they may give thought.﴾⁷³. This shows that Tradition of Prophet Mohammed (PBUH) consists of three parts, the Sayings, the manners, and the approvals of Prophet Mohammed (PBUH). As a source of the Islamic Law, Tradition may, first, corroborate a ruling which originates in the Koran. Secondly, it may consist of an explanation or clarification of the Koran. Thirdly, it may also consist of rulings on which the Koran is silent.

Exhibit 5 Divisions of the Tradition



Demonstrability of Tradition

Muslim Scholars agree unanimously that what is stated about the manners and sayings and approvals of Prophet Mohammed (PBUH), while they are transmitted soundly by chain of transmitters, are

considered demonstrable on all Muslims, i.e. producing the necessary proof or authority to validate a rule or concept. Therefore, the Prophet's Tradition is considered a legislative source from which all independent thinkers derive their lawful rulings to the actions of adult Muslims. It is also obligatory for Muslims to abide by the Prophet's Tradition along with the rulings of the Glorious Koran, because Allah (HBG) says, ﴿He who obeys the Messenger, obeys Allah; but if any turn away, We have not sent thee to watch over their (evil deeds).﴾⁷⁴, and He says, ﴿So take what the Messenger assigns to you, and deny yourselves that which he withholds from you. And fear Allah; for Allah is strict in Punishment.﴾⁷⁵. He also says, ﴿"Those who follow the Messenger, the unlettered Prophet, whom they find mentioned in their own (Scriptures) - in the Law and the Gospel - for he commands them what is just and forbids them what is evil; he allows them as lawful what is good (and pure) and prohibits them from what is bad (and impure); he releases them from their heavy burdens and from the yokes that are upon them. So it is those who believe in him, honour him, help him, and follow the Light which is sent down with him, it is they who will prosper."﴾⁷⁶.

Obedying Prophet Mohammed (PBUH) along with Allah (HBG) is mentioned in the Glorious Koran in three ways, the first is in the verses in which Allah (HBG) tells the Muslims to obey Him and the Messenger, such as, ﴿And obey Allah and the Messenger; that ye may obtain mercy.﴾⁷⁷, and, ﴿All who obey Allah and the Messenger are in the Company of those on whom is the Grace of Allah, of the Prophets (who teach), the sincere (lovers of Truth), the witnesses (who testify), and the righteous (who do good): ah! what a beautiful Fellowship!﴾⁷⁸.

The second way is in the verses in which Allah (HBG) tells the Muslims to obey Allah (HBG) and to obey the Messenger, such as, ﴿O ye who believe! obey Allah, and obey the Messenger, and those charged with authority among you. If ye differ in anything among yourselves, refer it to Allah and His Messenger, if ye do believe in Allah and the Last Day: that is best, and most suitable for final determination﴾⁷⁹. It is noticed here that the act of obeying is repeated twice. That is, Allah (HBG) ordains the believers to obey Him first then obey the Prophet in the particular matters that explain Allah's (HBG) commands and instructions, such as when Allah (HBG) orders the Muslims to pray five times a day, ﴿for such prayers are enjoined on Believers at stated times﴾⁸⁰. Allah (HBG) does not show how to pray, but Prophet Mohammed (PBUH) showed the Muslims how to perform the prayers and the time of each prayer. The Muslims, then, have to abide to the Tradition of the Prophet (PBUH) in their religious duties and in their dealings with people.

The third way of telling the Muslims to obey Allah and the Prophet (PBUH), appears in this verse when Allah (HBG) says, ﴿They ask thee

concerning (things taken as) spoils of war. Say: "(Such) spoils are at the disposal of Allah and the Messenger: so fear Allah, and keep straight the relations between yourselves: obey Allah and His Messenger, if ye do believe" ⁸¹. This verse proves that the distribution of the spoils of war is left for Prophet Mohammed (PBUH) who would decide for them, and that the believers have no other choice than to obey the Prophet and be satisfied with what he would give to them.

This confirms that Allah (HBG) ordains all Muslims to obey Prophet Mohammed (PBUH), and to put his Tradition into practice. Allah (HBG) gives no choice to the Muslims in the matters that He and His Messenger have decided and settled. In addition, Prophet Mohammed (PBUH) confirms the importance of his Tradition to Muslims when he says, "Those who turn away from my Tradition are none to me". Besides, there is an agreement among the companions of the Prophet (PBUH) that it is necessary to apply the Tradition, as it has a vital role in explaining how to worship Allah (HBG) and deal with fellow humans, as well as to establish the moral rules that organize human relations according to the Law of Allah (HBG).

Tradition is divided into two types according to its recurrence as the following:

- The continuously recurrent Tradition, "mutawatir": is that which has been reported by a very large number of people of proven reliability in such a way as to preclude any possibility of them all agreeing to perpetuate falsehood.
- The uni-Tradition: is that which has been transmitted by people whose number is not so large as to be continuously recurrent.

Recording the Prophet's Tradition

The Glorious Koran was the focus of attention by Prophet Mohammed (PBUH) and his companions; therefore, it was preserved through memorization and written down on planks, palm leaves, clay slabs, and panels of other materials. So, when the Prophet passed, the Koran was well organized and inscribed, and later it was assembled in one volume. As for the sayings of the Prophet (PBUH) and his Tradition, they were not all recorded during his life. The reasons were that first, he lived 23 years after revelation, so it was not easy to record all his acts and sayings in that long period of time due to the enormous number. Secondly, the companions of the Prophet (PBUH) were not entirely devoted for that task as they were busy in other matters. Thirdly, those who knew writing were so few that it was not possible to write down everything the Prophet (PBUH) said or did, because most of the Arabs

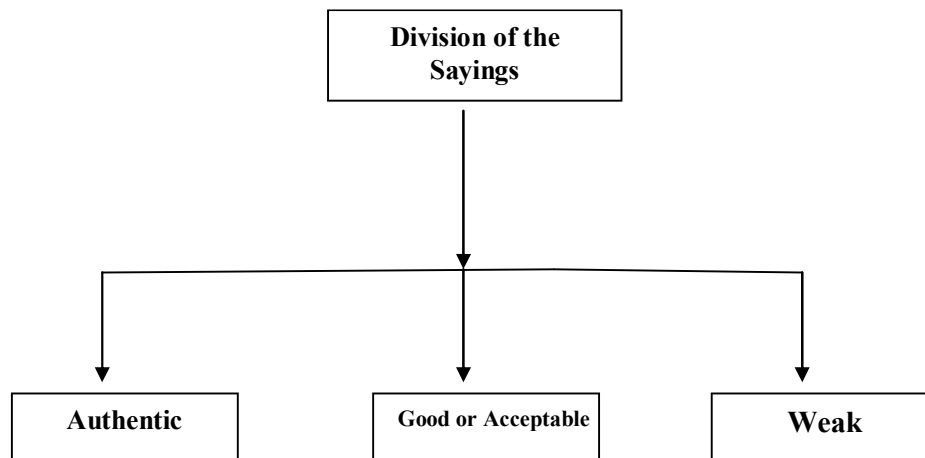
were illiterate at that time and they depended on memory and oral literature ⁸².

After the passing of Prophet Mohammed (PBUH), attention turned to his contemporaries in order to obtain from them any knowledge of the Prophet's manners and sayings. Since then Muslim scholars made every effort to collect and write down the Tradition of Prophet Mohammed (PBUH). Those efforts came out with a full record of the Prophet's sayings, which were classified into three groups, shown in Exhibit 6, which are as follows:

1. The Authentic Saying, "Hadeeth Saheeh": is that when its narrators are all reliable and trustworthy, and when the chain of its transmitters, "isnaad", is continuous and goes back to the Prophet (PBUH), and when its narration is free from any obvious or subtle defects. It could be authentic by itself or authentic by other sayings.
2. The Acceptable, or Good Saying, "Hadeeth Hassan": is the same as the authentic by itself, but one of its narrators has less memorization than others. There is the good saying by itself, and the good by other sayings.
3. The Weak Saying, "Hadeeth Dha'eef": is that which lacks the conditions of the authentic or of the good sayings, owing to weakness in its chain of narrators or in its textual content. It falls into three kinds: the weak, the very weak, and the fabricated.

Exhibit 6

The Divisions of the Sayings



The Tradition of Prophet Mohammed (PBUH) represents a source of legislation and a culture. Therefore, it was preserved in specialized books, most important of which are: Sahih Al-Bukhari, Sahih Muslim, Sunan Al-Tirmithi, Sunan Ibn Majah, Sunan Al-Nassa'ei, and Mutta'a Malik, and other books that deal with the Tradition of Prophet Mohammed (PBUH).

3. Consensus, "Ijmaa"

Consensus of opinion is usually defined as the unanimous agreement of the scholars who use reason for the purpose of forming an opinion or making a ruling on a religious issue, at one certain time. The Muslim scholar, Imam Al-Ghazali, defines it as the agreement of Muslim community on one of the religious issues ⁸⁴. However, this does not mean that consensus cannot be achieved unless all Muslim individuals agree on the subject under consideration, because such a consensus is impossible. What is meant by consensus is the agreement of any scholars whose opinions are acceptable, or the agreement of those charged with authority (Ahlul-Hal wa al-Rabt) ⁸⁵. Accordingly, consensus is achieved when a group of Muslim scholars agree on a ruling for a certain incident at any one time after the death of Prophet Mohammed (PBUH).

If an incident takes place and is submitted to scholars to form an opinion or make a ruling, and those scholars agree on a ruling, then this agreement is called "consensus". This consensus is considered a proof that this ruling is lawful, and the opinion they agree on becomes part of Islamic Law, as they have better knowledge in that Law and its purposes.

Demonstrability of Consensus

The Glorious Koran gives an evidence that consensus is demonstrable, when Allah (HBG) says, ﴿O ye who believe! obey Allah, and obey the Messenger, and those charged with authority among you. If ye differ in anything among yourselves, refer it to Allah and His Messenger, if ye do believe in Allah and the Last Day: that is best, and most suitable for final determination.﴾ ⁸⁷. What is meant by "those charged with authority" from the religious standpoint are the scholars who use reason for the purpose of forming an opinion or making a ruling on a religious issue. While this term, from the secular point, refers to those who have authority or responsibility in managerial positions on different levels, so long as they follow Islamic rules, as indicated in the Glorious Koran, Allah (HBG) says, ﴿When there comes to them some matter touching (public) safety or fear, they divulge it. If they had only referred it to the Messenger or to those charged with authority among them, the proper investigators would have

tested it from them (direct). Were it not for the Grace and Mercy of Allah unto you, all but a few of you would have followed Satan. ﴿٨٨﴾. He also says, ﴿٨٩﴾ If anyone contends with the Messenger even after guidance has been plainly conveyed to him, and follows a path other than that becoming to men of Faith, We shall leave him in the path he has chosen, and land him in Hell, what an evil refuge! ﴿٩٠﴾. Anyone who is at variance with the right path of believers is associated to those who contend against the Prophet (PBUH).

Consensus takes its demonstrability from the sayings of the Prophet (PBUH) also, as when he says, "The community of Muslims would not agree on what is wrong", and "What Muslims see as good is considered good by Allah", and "Allah would never let the community of Muslims agree on perversity"⁹⁰.

Scholars are permitted to decide on what achieves the benefit of all Muslims according to new developments or latest changes of life when the conditions of the first consensus change, because the rulings that may come with an advantage at one certain time or place, may not be so at another time or place. Thus, consensus contributes to find solutions to problems that face the Muslims in such a way as to be appropriate to the age, and at the same time not to differ with the rulings of Allah Almighty (HBG) and the Prophet (PBUH), and help the Muslims to manage their affairs in different occasions, situations, and times.

4. Analogical Deduction, "Qiyaas"

Analogical deduction or reasoning is considered the fourth source of Islamic rulings that are agreed upon among scholars. It is defined as a method of extracting or deriving legal rulings on an issue when none exists in the Koran, Tradition, and consensus by referring to a similar situation that has a legal ruling in those texts. Analogy, then, consists in extending a principle derived from the Koran and the Tradition to a new case⁹¹. Muslim jurists, for the demonstrability of analogy, depend on the Koran and Tradition, as well as on the sayings and acts of the companions of Prophet Mohammed (PBUH), where to act according to analogy is recommended to achieve justice, equality, and the general welfare⁹².

The significance of following analogical deduction is illustrated by joining issues that develop or emerge by time and situation, to issues settled in the Koran, the Tradition, and the consensus. This joining is to be achieved by equalizing a case for which there is no textual ruling to another which has a textual ruling, based on the sameness of the effective cause in both cases.

The actual basis of analogy is that it is evident to prove the ruling of one thing to what is similar to it, and to what is equal, since causes exist effects must follow⁹³. Analogy is based on four basic elements:

1. Root or origin, "Asl": is the case or situation for which a textual ruling exists.
2. Branch, or subdivision, "Far'i": is the new case for which no textual ruling exists.
3. The ruling that is to be proved for the new case.
4. The effective cause or the *ratio legis*, "I'lla", of a particular ruling in the origin, which is also found in the branch.

The application of analogy could be stated as follows: for example, transactions and business deals should be stopped after the second call for prayer in Friday noon in order for the dealers to go to perform the religious duty of Friday Prayer. Then those businesses are to be resumed when the prayer is over, as stated in the Koran, ﴿O ye who believe! When the call is proclaimed to prayer on Friday (the Day of Assembly), hasten earnestly to the Remembrance of Allah, and leave off business (and traffic): that is best for you if ye but knew!﴾⁹⁴. Transactions have a textual ruling in the Koran. Analogous to them are other businesses such as manufacturing, farming, and other industries, which include the cause of preventing transactions. Another example of analogy is that when one of Prophet Mohammed's (PBUH) companions came to him enquiring about whether he could perform the pilgrimage (Hajj) for his dead father. The Prophet asked him if he would pay the debts of his deceased father, the man said that it was so, to which the Prophet (PBUH) said that he could also go to hajj for his father. This indicates that analogy is lawful and that Prophet Mohammed (PBUH) adopted it⁹⁵.

II. Minor Sources

1. Juristic preference, "Istihsaan".
2. Public interest, "Al-Maslaha Al-Mursala".
3. Local custom, "U'rf".
4. Presumption of continuity, "Istishaab".
5. Pre-Islamic divine, or Abrahamic, Laws, "Al-Sharai' Al-Samawiya".
6. School of thought of the companions of the Prophet (PBUH), "Mathhab al-Sahabi".

1. Juristic Preference

It is the application of discretion in legal matters. This is defined as abandonment of one legal ruling for another which is considered better or more appropriate to a given circumstance⁹⁶.

The true nature of juristic preference is that when a legal matter for which no textual ruling exists, is submitted, and two different viewpoints about it exist simultaneously, one explicit and requires a certain ruling and the other implicit and requires another ruling. Then the scholar who uses reason finds evidence that favors the implicit viewpoint over the explicit, and accordingly, he abandons the explicit. The same is with a ruling that is whole, but the scholar finds evidence in the case that requires taking only one part of that ruling and to judge with another ruling. However, to make juristic preference should be motivated towards avoiding difficulty, or securing some benefit⁹⁷.

2. Public Interest

What is meant by public interest is that a ruling extracted from the four sources (the Koran, Tradition, consensus, and analogy) is applied on a given case for which no textual ruling exists, taking into consideration the interest of the public⁹⁸. It is generally held that the principal objective of Islamic Law and all its commandments is to realize the genuine interest or benefit of the people.

The interest is a consideration that is proper and harmonious with the principal objective of the Lawgiver, which is to realize the genuine benefit of people. It secures a benefit or prevents harm, but the Law provides no indication as to its validity or otherwise⁹⁹. For example, the Prophet's companions later decided to issue currency, establish prisons, and impose tax on agricultural lands despite the fact that no textual authority could be found for those measures.

Muslim jurisprudents permit this consideration only on certain conditions, so that it would not be an admission for people to legislate according to their own wishes. These conditions are:

- a. The benefit is genuine and true, not fancied or false.
- b. The benefit is public, not private or personal.
- c. The legislation should not contradict a ruling or a principle proved in a text or by consensus.

In short, public interest refers to any interest that is not bound to a text from the legislative, which calls to consider it or invalidate it, on condition that it does not contradict any purpose of Islamic Law, and does not oppose any of the agreed-upon evidences of Islamic Law. The interest ought to be genuine, contributing to public interest; it should bring benefit and ward off harm.

3. Local Custom

Local custom is the practice which has been recognized by a community, and has become part of the habits of a group of people, or a norm. However, norms and customs change and vary according to development of social, economic, and cultural aspects of life, and accordingly, the rulings derived from the common and approved mores of people change and vary. Norms or customs are of two types¹⁰⁰:

- The good custom: is that to which people are accustomed, and it does not contradict or oppose a lawful evidence. It would not permit what is prohibited, or abolish an obligation. Thus, it should be taken into consideration in legislation and in judging. The scholars see that the good custom is like a law and an obligation.
- The invalid or wicked custom: is that to which people are accustomed, but it opposes and contradicts the Law, permits the prohibited and abolishes an obligation. Therefore, it should not be taken into consideration, since it is not in agreement with lawful evidence, and abolishes a lawful ruling.

The ground for the demonstrability of custom is Allah's (HBG) words in the Glorious Koran, He says, ﴿Hold to forgiveness; command what is right; but turn away from the ignorant﴾¹⁰¹. Prophet Mohammed (PBUH) also said, "What the Muslims perceive as good is good to Allah, and what they see as repulsive is repulsive to Allah"¹⁰². Imam Ali bin Abi Talib also advised his envoy to Egypt telling him, "Do not violate a good conduct which was practiced by the leaders of this nation"¹⁰³.

4. Presumption of Continuity

Presuming continuation of the status quo requires that once a ruling is applied it is presumed to remain in force until there is change established by evidence¹⁰⁴.

There are certain predetermined rules on which presumption of continuity is based, and those rules cannot be violated. For example, once a contract of sale or of marriage is concluded, it is considered valid and remains like that, because the rule is that things are permitted as long as they are not prohibited¹⁰⁵.

5. Pre-Islamic Divine, or Abrahamic, Laws

Rulings that Allah (HBG) enacted for people before Islam, which were not abrogated by Islam, remain valid for Muslims, and are

considered laws that Muslims have to abide to, even if this is not indicated in the Koran or Tradition. For example, fasting in Ramadan is a duty that any Muslim should perform, as it was a duty for the nations that preceded Islam, as Allah (HBG) says in the Glorious Koran, ﴿O ye who believe! Fasting is prescribed to you as it was prescribed to those before you, that ye may (learn) self-restraint,﴾¹⁰⁶.

6. The School of Thought of the Companions of the Prophet

The school of thought of the companions of Prophet Mohammed (PBUH) refers to the legal opinions that the companions, who are known for their legal knowledge, reasoning, and attendance to the Prophet (PBUH), pronounced after the passing of the Prophet. Yet, independent thinkers do not agree upon those opinions because if they agree on them it will be consensus¹⁰⁷. It is worth mentioning that some scholars find that those opinions are not obligatory because they come from individuals who are not infallible¹⁰⁸.

System of Islamic Discipline

The system of Islamic discipline consists of two sets, as follows:

1. The ideological system: this includes all of the whole and fixed principles and rulings that are stated in the Koran and the Tradition.
2. The applied system: also called Islamic jurisprudence, it includes the practical lawful rulings inferred from the Koran and the Tradition by discretion, in order to adjust the affairs of individuals in religious duties and in dealings with fellow individuals, to the changes and developments of human life.

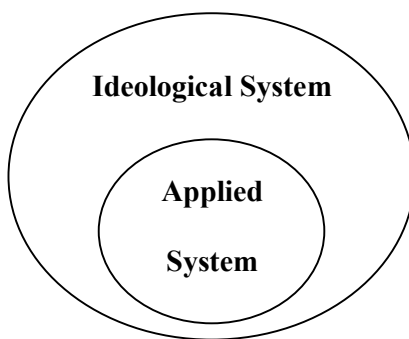
To busy one's self with Islamic knowledge is considered one of the useful activities, therefore Prophet Mohammed (PBUH) says, "If Allah wishes good for a person He would make him knowledgeable in religion". He also commended discretion, and encouraged the Muslims to employ it, thus, he says, "If a judge uses reasoning in judgment and was right then he will be recompensed twice, and if he uses reasoning and was wrong then he will be recompensed once"¹⁰⁹.

Islamic knowledge represents one of the important achievements of the Islamic mind that used informed independent reasoning, "Ijtihad", to find sound solutions to upcoming problems that result from development of life, based on the sources of the ideological system. This reasoning is of two levels:

- Personal reasoning: it is a continuous process carried out by individuals to seek what is permitted and to avoid the prohibited, and to take heed of obscurities.
- Scholarly reasoning: it is what Muslim scholars carry out, who are known for their ability to infer rulings to issues that come up in Muslim life at all places and times, within the frame of the Koran and the Tradition. The purpose is to find lawful rulings to those issues related to religious duties and human dealings that arise from development of life. Therefore, it is important to activate informed independent reasoning, "Ijtihad", and employ it for the benefit of all Muslim communities, instead of disagreement that divide the nation.

Exhibit 7 shows the system of Islamic discipline, where the ideological system encompasses the applied system.

Exhibit 7
System of Islamic Discipline



Characteristics of Islamic Discipline

Islamic discipline is unique in a set of characteristics that make the discipline valid and applicable at all times and places to the end of human life. These characteristics are as follows:

1. Islamic Law is of a divine source and human application, the origin of its principles is Allah (HBG), and they appear in the Glorious Koran and Tradition. They were communicated to humanity by Prophet Mohammed (PBUH), as Allah (HBG) says in the Koran, ﴿Nor does he say (aught) of (his own) Desire. * It is no less than inspiration sent down to him: * He was taught by one Mighty in

Power ﴿١١٠﴾. As for its applied aspect, scholars among the companions of the Prophet, their followers, and leading scholars, have formed it according to the rulings of the Koran and the Tradition.

2. Islamic Law is based on principles of equality between all individuals without any discrimination except by virtue of piety and doing good. The reason is that humans are equal, no human has any advantage above the others, and there is no vie in glory or power with one another. Yet, one may be favored by devoutness and the good (s)he does, Allah (HBG) says, ﴿O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other (not that ye may despise each other). Verily the most honoured of you in the sight of Allah is (he who is) the most righteous of you. And Allah has full Knowledge and is well-acquainted (with all things).﴾¹¹¹. Prophet Mohammed (PBUH) confirms this equality, when he says "Humans are equal like the teeth of the comb", and, "An Arab is not better than a non-Arab, only by devoutness".
3. A human being according to Islamic discipline consists of two elements: substance, or flesh, and soul. Each of which has its own needs and goals that should be satisfied and fulfilled temperately, without extravagance, because if the substance exceeds the proper bounds, it will take humans away from the sublime position which favors them above other beings. At the same time, the soul should not go into extreme because then humans will be isolated and static and are no good vicegerent of Allah (HBG) on earth. This shows that Islamic discipline gives the substance its due attention. Therefore, it emphasized work, pursuit of knowledge, productivity, and activity, as well as delight in life within the permitted rules. The same is with the soul that should be given due attention, be cultivated by virtue, good morals, and self-fulfillment. In this manner, Islamic discipline achieves equilibrium between physical and spiritual aspects of human existence.
4. Islamic Law admits individual freedom of choice in all aspects of life on condition that they would not transgress the limits as to permit what is forbidden and to prohibit what is permitted. This is clearly explained in the Glorious Koran, ﴿Let there be no compulsion in religion﴾¹¹². This verse emphasizes the fact that it is unreasonable and unacceptable to let humans be without freedom or freewill, and is in contradiction to the role Allah (HBG) assigned for humans, that they be the vicegerent of Allah (HBG) on earth. That is, a human cannot be vicegerent without having

self-determination. According to this role a human may be rewarded or penalized. Omar bin al-Khattab emphasized this freedom of will saying, "How could one enslave a human born free"¹¹³. This advantage of freewill allows individuals free choice and satisfies their needs, and helps to make utmost use of possibilities for the benefit of humanity.

5. Islamic Law emphasizes the necessity to consider the individuals' potentials when duties are assigned to any one of them, as Allah (HBG) wills that things should be made easy for humans and that they should not have any difficulty in their duties. Therefore, Allah (HBG) does not lay on humans a burden greater than their abilities to bear, Allah (HBG) says, ﴿Allah intends every facility for you; He does not want to put you to difficulties (He wants you) to complete the prescribed period, and to glorify Him in that He has guided you; and perchance ye shall be grateful.﴾¹¹⁴, and, ﴿On no soul doth Allah place a burden greater than it can bear﴾¹¹⁵. He also says, ﴿Allah doth not wish to place you in a difficulty, but to make you clean, and to complete His favour to you, that ye may be grateful﴾¹¹⁶, and, ﴿It is no fault in the blind nor in one born lame, nor in one afflicted with illness﴾¹¹⁷.

Imam al-Ghazali expresses this facilitating of duties by saying "difficulty is the cause of permission". That is, if acting according to textual rulings may lead to difficulty or cause disadvantage, then those rulings should not be applied so that no complexity would be faced. Therefore, an adult is not to be held accountable for what (s)he is incapable to do or act because of impossibility, and there is no accountability in case of incapability¹¹⁸.

6. Islamic Law is distinguished by flexibility and by considering the demands of the general welfare. This is what makes Islamic Law applicable at all times and places, since it helps in the attainment of goals of individuals within the framework of its rulings. This is made clear in the Glorious Koran when Allah (HBG) says, ﴿O People of the Book! commit no excesses in your religion: nor say of Allah aught but the truth. Al-Masih 'Isa the son of Maryam was (no more than) A Messenger of Allah, and His Word, which He bestowed on Maryam, and a Spirit proceeding from Him: so believe in Allah and His Messengers. Say not "Trinity": desist: it will be better for you: for Allah is One God: glory be to Him: (far Exalted is He) above having a son. To Him belong all things in the heavens and on earth. And enough is Allah as a Disposer of affairs﴾¹¹⁹. He also says, ﴿He hath only forbidden you dead meat, and blood, and the flesh of swine, and that on which any other name hath been invoked besides that of Allah. But if one is forced by necessity, without wilful disobedience, nor

transgressing due limits, then is he guiltless. For Allah is Oft-Forgiving, Most Merciful ﴿١٢٠﴾.

The main purpose is to eliminate difficulty and the inconvenience of obligation. Prophet Mohammed (PBUH) says in this context, "If I enjoined you to do something, you may do of it as much as you can"¹²¹. This emphasizes the fact that fourteen centuries ago Islamic discipline employed the situational theory, which emphasizes the need of taking into account situational facts when making decisions to solve problems. This is demonstrated in the following incident:

A man approached Prophet Mohammed (PBUH) telling him that he will be burned in Hell-fire because he had intercourse with his wife during a Ramadan day while fasting, and he wanted to repent this forbidden act. Prophet Mohammed (PBUH) told him that, according to the textual ruling, in order to repent, he should liberate a slave, if he did not have a slave he has to fast two consecutive months, if he cannot he has to feed sixty impoverished persons. The man told the Prophet that he could not do any of these things. Then Prophet Mohammed (PBUH) took a measure of dates and told him to give that in charity to the poorest man in town, to which the man replied that there was no man poorer than himself. Prophet Mohammed (PBUH) gave it to him telling him that he can take that to his family.

This shows that the Prophet (PBUH) took into consideration the facts about the situation of that man and made the matter easy for him to attain the aim of repentance. In this regard Prophet Mohammed (PBUH) used to tell people, "Make things easy not difficult, and preach and do not repel"¹²².

7. Islamic Law rejects extremism; therefore, Allah (HBG) described the Muslim nation, "Ummat", as the balanced, ﴿Thus have We made of you an Ummat justly balanced, that ye might be witnesses over the nations, and the Messenger a witness over yourselves;﴾¹²³. An individual's adherence to moderation and balance spares him/her the problems and disadvantages of extremism in religious duties as well as in dealings, and in observing rights and obligations. Hence, Allah (HBG) emphasizes the necessity for balance in everything; He says, for example, ﴿Make not thy hand tied (like a niggard's) to thy neck, nor stretch it forth to its utmost reach, so that thou become blameworthy and destitute﴾¹²⁴. Allah (HBG) also says, ﴿Those who, when they spend, are not extravagant and not niggardly, but hold a just (balance) between those (extremes)﴾¹²⁵,

which applies to all other things, and indicates that negotiating sides should completely keep away from going to extremes.

8. Islamic ideology embraces the principle of combining between stability and evolution. Accordingly, the principles which Islam introduced are fixed, while the application of principles is interpretive and takes into consideration the individual's capability and economic, social, scholarly, and political facts people get from surrounding milieu when they are enjoined to perform religious and secular duties.

Variance in application while maintaining Islamic principles delineated in the Koran and the Tradition, is legally permissible. Variance in opinions and viewpoints is considered one of the advantages if it is to please Allah (HBG), and meet the welfare of people and nations. This is emphasized in this saying of Prophet Mohammed (PBUH), "Variance among the scholars of my nation is graciousness". The Islamic scholar, Ibn Taymiya, described it saying, "This variance is diversity not contradiction"¹²⁶.

Flexibility that distinguishes Islamic discipline is demonstrated in the existence of Islamic denominations, which represent different points of view about the textual rulings within acceptable limits. It aims at dealing with problems that arise in life and its development, and at the same time, shows that Islam renovates itself according to the development of human life.

However, variance must fall within the framework of the Glorious Koran and the Tradition; it should not spoil human relations, but should help in inducing individuals to benefit from human experiences to develop life. The Islamic scholar, Ibn Al-Qayim Al-Jawziya emphasized this saying, "If signs of right appear, evidences of righteousness are recognized, and the dawn of justice shines wherever it is, then that is the Law of Allah, His religion, His gratification, and His will"¹²⁷.

9. Islamic Law is characterized by conformity and equilibration between personal interests of individual and general interests of community in all aspects of human dealings, so that the aims of both are to be attained together. Islamic discipline, by this equilibration, is able to secure interests of individual while considering those of the community, and to attain goals of society, preserve individual rights, provide freedom, and eliminate harm. This follows the general rule that says, "No harm and no injustice should be caused, but to ward off major harm with the minor when interests and rights clash".

CHAPTER SEVEN

PRINCIPLES OF NEGOTIATION IN ISLAMIC DISCIPLINE

*I*slamic discipline defines general principles on which all dealings among individuals should be based. Of those dealings is negotiation process in all of its stages. Negotiators have to comprehend those principles and commit themselves to implement them to achieve the best results that help in attaining goals behind negotiations. Those general principles are as follows:

1. respect for pluralism and diversity of opinions
2. existence of an issue for negotiation
3. credibility
4. emphasis on points in common
5. purposefulness
6. flexibility
7. deliberateness in passing decisions
8. establishing mutual trust between negotiating parties
9. commitment to agreements
10. refutation of proofs of opposite parties
11. reliance on accurate data and information
12. consideration for concealment
13. recognizing the intents of opposite parties

1. Respect for Pluralism and Diversity of Opinions

Islamic discipline is full of evidences that emphasize its belief in, and acceptance of, pluralism and contrasts among humankind. Of these evidences is the following verse of the Glorious Koran: ﴿And among His Signs is the creation of the heavens and the earth, and the variations in your languages and your colours; verily in that are Signs for those who know.﴾¹. This verse shows that Allah (HBG) made people different in color, language, abilities, and interests, and that He wants them to remain dissimilar, ﴿If thy Lord had so willed, He could have made mankind one People: but they will not cease to dispute﴾². Allah (HBG) has also divided them into nations and tribes, that they should not fight, but know one another, and they be honored only by their piety: ﴿O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other (not that ye may despise each other). Verily the most honoured of you in the sight of Allah is (he who is) the most righteous of you. And Allah has full Knowledge and is well-acquainted (with all things).﴾³.

Allah (HBG) also shows that everything in life is made of varieties, that fruit is various, mountains also vary, and even water differs in its quality and taste, He says, ﴿Seest thou not that Allah sends down rain from the sky? With it We then bring out produce of various colours. And in the mountains are tracts white and red, of various shades of colour, and black intense in hue.﴾⁴, and, ﴿It is He Who has let free the two bodies of flowing water: one palatable and sweet, and the other salt and bitter; yet has He made a barrier between them, a partition that is forbidden to be passed.﴾⁵. He also says, ﴿It is He Who sendeth down rain from the skies; with it We produce vegetation of all kinds: from some We produce green (crops), out of which We produce grain, heaped up (at harvest); out of the date palm and its sheaths (or spathes) (come) clusters of dates hanging low and near: and (then there are) gardens of grapes, and olives, and pomegranates, each similar (in kind) yet different (in variety): when they begin to bear fruit, feast your eyes with the fruit and the ripeness thereof. Behold! in these things there are Signs for people who believe.﴾⁶.

Islamic discipline does not only acknowledge pluralism and contrasts, but goes further to proscribe forcing a human to accept what one refuses, as Allah (HBG) says, ﴿Let there be no compulsion in religion﴾⁷, and ﴿If it had been thy Lord's Will, they would all have believed, all who are on earth! Wilt thou then compel mankind, against their will, to believe!﴾⁸.

Prophet Mohammed (PBUH) also emphasizes the importance of constructive diversity in opinions among Muslims, he says, "Diversity among Muslims is a blessing", because this diversity helps in giving

opinions that show the attitudes of Muslim scholars towards contemporary issues that have no textual rulings. However, those opinions should not contradict the rulings of the Koran or the Tradition, and must be for the welfare of people without prejudice.

In addition, diversity is a good background for creative thinking, which is essential for productivity and advancement of human life for the better.

Denying this diversity is impossible because it contradicts nature. However, this diversity in opinions should fall within the framework of Islamic Law, away from prejudice, and should not sever human relations. It should be justified by evidence, and should not be distrustful of intentions of others, or cause any harm or enmity, or drive humans to ineffective conflicts.

Accordingly, any human has to accept diversity as truth and to acknowledge the existence of others whether one likes it or not. The existence of the other, who is different from us, is essential for the continuity of life. Therefore, one has to accept and respect the person who is different from one's self, because the other has right for existence as any one else. This diversity and existence of different people should not be taken for contradiction or disagreement, but for harmony and congruity. Diversity is necessary because it adds color to life like different flowers in the garden.

In his discussion of the deconstruction theory in criticism, Jacques Derrida observes that human knowledge grew and developed from pluralism and variety of opinions and practices, not from similarities⁹. This indicates that varieties of opinions and practices help in developing human life, while similarities make life static, without advancement. Moreover, humanity is indebted for its development and progress to pluralism and to those who sacrificed for the sake of making people accept it and recognize the different others. This is the same reason that made the Arab poet not only accept diversity, but also hail it saying,

O you, who differ in opinion, welcome,

I am not, when I tell my opinion, furious.

An opinion is a pursuit of truth, continuous,

And conscience and honesty are steered tenderly.

If you would show me truth honestly,

I won't feel ashamed of being overcome.

And whoever of us reveals rightness, welcome,

Revealing rightness is just enough quest.

The advanced countries realized the importance of encouraging pluralism and variety of opinions. That is why individuals are not to be accounted or punished for their opinions and attitudes. This has enabled those countries to grow and prosper. Whereas most societies in developing countries refuse pluralism among their people, starting from home and not ending with all of social, economic and political organizations. This is considered the main reason behind backwardness in those societies, which will continue and will widen the gap between them and the advanced countries. In this regard, one ought to mention that pluralism and variety cannot be found where people lack the freedom that allows them to express their opinions plainly and openly.

Although all people would benefit a great deal from pluralism and differences of viewpoints, reality reveals that many of the majorities, especially in the developing countries, would rather have their own opinions and way of thinking prevail. They reject any contradictory viewpoint as well as anyone who would differ from them. Thus, they try to expel the others who differ, and they may even eliminate them, while they have to accept differences and make use of that for the welfare of their societies. Diversity is an inescapable fact, and everybody has right to exist, to think the way (s)he likes, and to practice what (s)he believes as right. It is a right that stands on universal and lawful basis.

Denial of diversity of opinions and ways of thinking goes to many factors or reasons, which are fostering restricted education, promoting social and cultural backwardness, and dread of change and revitalization of thoughts and ways of life. The reason is that some people think that change and diversity of opinion will make them lose certain social and economic advantages.

In this regard, the importance of negotiation in solving problems and conflicts that arise from pluralism and differences becomes evident. In addition, negotiation helps in systematizing relationships between individuals based on justice and equality. This requires that one should have strong faith in the fact that everything is negotiable according to Islamic Law.

2. Existence of an Issue for Negotiation

There must be an officially recognized issue for negotiation. This issue could be economic, social, political, military, cultural, or any other subject related to human life. Each party in negotiation seeks to reach an

agreement that helps to solve problems, establish relations, and define rights and obligations. This shows that negotiation process must deal with an issue that is clearly defined and recognized by negotiating parties.

Negotiators must have full knowledge of all of the aspects of the issue, have devotion to it, and be ready to sacrifice for it. The devotion of Prophet Mohammed (PBUH) and his companions to the divine message, and their willingness to sacrifice their money and selves for it, reflected their loyalty to their issue and its sublime goals. Allah (HBG) says in the Glorious Koran, ﴿Those who believe, and suffer exile and strive with might and main, in Allah's cause, with their goods and their persons, have the highest rank in the sight of Allah: they are the people who will achieve (salvation).﴾¹⁰. This verse shows that Allah (HBG) makes a distinction between two groups of believers; one group has an issue, which is faith in Allah (HBG) and sacrificing for His sake and for the application of divine Law. The other group consists of individuals who have pride in themselves as protectors of the Sacred Precincts in Mecca. The first group left the second and went to fight for the divine message, sacrificing all they have for Allah (HBG) and His religion. Thus, they had the highest rank in the sight of Allah (HBG)¹¹.

3. Credibility

The concept of credibility refers to dedication to truth by word and deed, which is a good disposition consistent with nature. Credibility and integrity are essential for human dealings, with them life becomes better and relations prosper. Owing to the value and importance of credibility as the best of virtues, Allah (HBG) refers to this attribute to describe Himself, He says, ﴿and whose word can be truer than Allah's?﴾¹², and, ﴿And whose word can be truer than Allah's?﴾¹³. These verses show that honesty is the attribute of great personalities such as prophets, messengers, and believers, and it makes humans win the favor of Allah and people.

The Glorious Koran shows the importance of being honest with one's self as well as with others. It shows that honesty is well rewarded in this life and in the hereafter. This is indicated in the Koran when Allah (HBG) says, ﴿Allah will say: "This is a day on which the truthful will profit from their truth: theirs are Gardens, with rivers flowing beneath, their eternal home: Allah well-pleased with them, and they with Allah: that is the great salvation, (The fulfilment of all desires).﴾¹⁴. Allah (HBG) also confirms that all falsehood will eventually crumble in front of honesty, ﴿And say: "Truth has (now) arrived, and Falsehood perished: for Falsehood is (by its nature) bound to perish.﴾¹⁵. That is why Allah (HBG) made honesty the

disposition of the prophets and messengers, who are the most honest among their people.

During his lifetime, Prophet Mohammed (PBUH) was called “the honest and trustworthy” long before Allah (HBG) revealed to him, and he remained honest and truthful until the end. His honesty helped to induce people to believe in his message of Islam.

Allah (HBG) requires that humans be honest and that their way in life be through the gate of honesty, ﴿Say: "O my Lord! let my entry be by the Gate of Truth and Honour, and likewise my exit by the Gate of Truth and Honour; and grant me from Thy Presence an authority to aid (me).﴾¹⁶; and that they seek truthfulness in order to be secure, He says, ﴿O ye who believe! if a wicked person comes to you with any news, ascertain the truth, lest ye harm people unwittingly, and afterwards become full of repentance for what ye have done﴾¹⁷.

Prophet Mohammed (PBUH) also explained the importance of credibility in many of his sayings, such as, "Truly that honesty guides to uprightness, and uprightness guides to paradise, that if a man is honest and seeks honesty he will be judged as honest by Allah. Truly that falsehood leads to wickedness, and wickedness leads to hell, that if a man lies and seeks falsehood he will be judged as false by Allah". He also said, "Deliverance is through honesty".

Once a man came to Prophet Mohamed (PBUH) and asked him, "Does the believer commit adultery?" the Prophet said, "It could be." The man said, "Does he steal?" the Prophet said, "Yes, it could be." The man said, "Would he lie?" The Prophet said, "No, it couldn't be, for lying leads to wickedness and wickedness leads to hell"¹⁸.

Falsehood, or dishonesty, is considered a trait that contradicts the principles of Islamic discipline concerning the fulfillment of human dealings, one of which is negotiation. Negotiation, according to Islam, ought to be based on mutual trust between negotiating parties. Therefore, Allah (HBG) warned against the harmful consequences of falsehood in this life, because falsehood weakens trust among individuals, and hinders human dealings; as well as in the afterlife, as it will lead to hell. Negotiators, subsequently, have to be honest and avoid deceit so that they win the confidence of opposite parties in negotiation.

Prophet Mohammed (PBUH) shows the necessity for credibility when he said, "If you have a transaction say that there should be no deception". He wanted the relationships among Muslims to be based on honesty, so he said, "Anyone who deceives us is not one of us". he wanted the relations of Muslims with others be based on principles of

honesty, away from deception and falsehood, in order to show the non-Muslims that Islam ordains the Muslims to be honest in all human dealings, he said, "Anyone who deceives is not of us"

Negotiators have to rely on credibility and truthfulness with opposite parties to establish mutual trust between them, and to be able to reach sound solutions to problems. However, negotiators should not abuse credibility in a way as to make pretense to hurt others, wrong them, humiliate them, or demean their merit.

It is worth mentioning that when negotiators are honest, they are but expressing their sublime principles and noble morality. At the same time, this will motivate other sides to be truthful and add to the credibility of negotiation. Negotiators have to maintain credibility explicitly throughout negotiation process, so that it becomes the main principle and manner. This requires that negotiators proclaim all facts related to the subject of negotiation even when opposite parties would not do the same for fear of losing an advantage they think they would obtain from concealing truth¹⁹.

To sum up, all sides have to be sure that: first, there is no contradiction between setting the incorrect right and rewarding the honest. Second, that honesty is a commended trait all must possess. Third, the truthful side is to be rewarded in order to encourage truthfulness and to motivate other sides to be honest all through. Fourth, the one who does not tell truth in negotiation should be held responsible for that, and penalized when any injustice result from that act, so that to establish credibility as a manner and as a way of dealing with others.

4. Emphasis on Points in Common

Islamic discipline emphasizes that negotiations start with points of agreement between negotiators. This has been indicated in the Glorious Koran when Allah (HBG) says, ﴿Say: "O People of the Book! come to common terms as between us and you: that we worship none but Allah; that we associate no partners with Him; that we erect not, from among ourselves, Lords and patrons other than Allah." If then they turn back, say ye: "Bear witness that we (at least) are Muslims (bowing to Allah's Will).">20

Allah (HBG) tells Prophet Mohammed (PBUH) to begin his talks with the people of the Book, or Christians, from the points they have in common with the Muslims. Those points are that both sides believe in one God who is the God of all, that all parties worship Him, and that the Muslims believe in Allah, the Angels, all of the Messengers and Prophets of Allah, and the revealed Scriptures, just like the Christians. This has

been indicated in the Glorious Koran, Allah (HBG) says, ﴿The Messenger believeth in what hath been revealed to him from his Lord, as do the men of faith. Each one (of them) believeth in Allah, His angels, His Books, and His Messengers. "We make no distinction (they say) between one and another of His Messengers."﴾²¹

These shared points are also referred to when Allah (HBG) says, ﴿Say: "We believe in Allah, and in what has been revealed to us and what was revealed to Ibrahim, Isma'il, Ishaq, Ya'qub, and the Tribes, and in (the Books) given to Musa, 'Isa, and the Prophets, from their Lord: we make no distinction between one and another among them, and to Allah do we bow our will (in Islam).">﴾²².

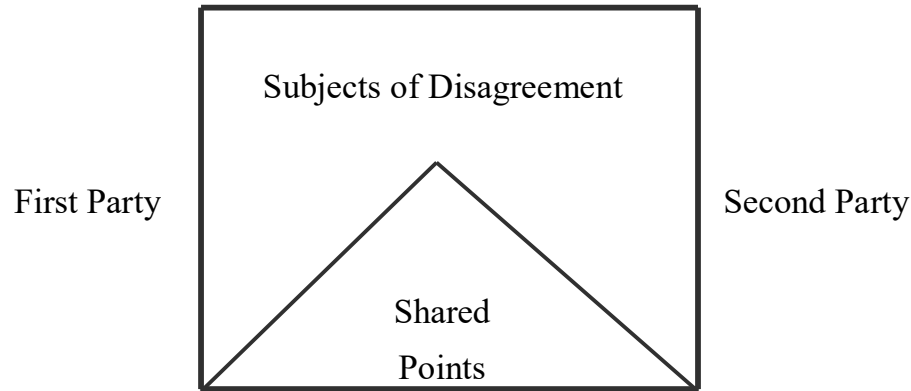
As for negotiations between Islamic sects, they should start from the points they share, which are found in the Koran and the Tradition of Prophet Mohammed (PBUH).

When negotiation starts with points the negotiating parties have in common, a mutual sense of bridging the gaps between them will prevail. In addition, a sense of widening the range of shared points, and of giving them priority over other points of dispute, which may be the cause behind conflicts and disagreement, will also be ascertained. It is favorable that negotiating parties should be reminded of the achievements of previous negotiations, and of the advantages they obtained by agreement, in order to achieve an acceptable settlement to problems of current negotiation.

The following case emphasizes the importance of starting with shared points of agreement in negotiation. An American senator told his assistants in his campaign, to begin with points of agreement they have in common with the public, when they address them, even if those points make only a very slight percentage of the total points they have in common. He told his assistants not to argue with voters even if the voters were wrong by a high percentage, so that he would not lose any of them. He asked them to forget what they have learned at university, which was that they should disagree with the other even if the points of agreement were 99 percent, and that emphasis was to be on the one percent disagreement. Now it was a different matter. In the campaign, they had to tell the voters that they agree with them and start from that point, even if the points of agreement made only one percent²³.

Exhibit 8 shows that negotiators should start from shared points of agreement, and try to enhance those points during negotiation in order to reduce the points of disagreement to the minimum and reduce the negative effects as well. It is favorable that the negotiators sort the problems according to their importance, and start solving the small ones moving towards the most important and more complicated ones.

Exhibit 8
Shared Points between Negotiators



5. Purposefulness

The Glorious Koran tells that Allah (HBG) has defined the purpose behind the creation of humankind and other creatures, Allah (HBG) says, ﴿I have only created Jinns and men, that they may serve Me.﴾²⁴, and, ﴿"Did ye then think that We had created you in jest, and that ye would not be brought back to Us (for account)?"﴾²⁵. These two verses show that Allah (HBG) created people for a certain purpose according to which they are to be held responsible and to be judged for their actions.

Allah (HBG) has also defined for Prophets Moses and Aaron (PBUH) the aim behind sending them to the Pharaoh, that they save the Israelites from oppression. Allah (HBG) says in the Glorious Koran, ﴿"So go ye both to him, and say, 'Verily we are Messengers sent by thy Lord: send forth, therefore, the Children of Israel with us, and afflict them not: with a Sign, indeed, have we come from thy Lord! and Peace to all who follow guidance!﴾²⁶.

Accordingly, negotiators have to define the aims of negotiation very accurately, on condition that those aims are attainable in view of possibilities and available facts concerning negotiation and its milieu. Those aims ought to have noble ends and be attained by noble means as well, and fall within the limits of the divine Law.

Attention must be given to attaining strategic goals, not simple ones, so that the negotiators would not be taken away by the success of achieving minor aims that might be temporary and may turn into future

failure. They have to believe that what cannot be fully attained should not be totally left.

Prophet Mohammed (PBUH), in signing the Treaty of Al-Hudaybiya, sought to attain strategic goals from that treaty, not minor aims of the moment. He was able to achieve that due to his deep insight into the matter and his strategic thinking, as well as his integrity. Those goals could be summarized as follows²⁷:

- To put an end to war and spare the lives of Muslims.
- To devote time and effort to propagate Islam, and to spread the religion of monotheism among Arab tribes with wisdom and gentle preaching.
- To obtain a documented official acknowledgement from Quraish of the right to invite people to Islam.
- To make the Arabs realize that Islam was the rival of Quraish, who used to have a high rank among the Arabs.
- To convert many Meccans to Islam after making contact with the Muslims, and recognizing the good morals of the Prophet (PBUH) and the benefits of Islam.
- To convert many of the Arab tribes outside of Mecca and Quraish, who were waiting for Quraish to convert, seeing that Quraish had better knowledge of Prophet Mohammed (PBUH). So, when Quraish converted, they soon followed²⁸.
- To spread their propagation for Islam to kings and rulers outside of Arabia.

It is worth mentioning that the goals to be attained from negotiation must be clearly defined and declared. They must be attainable within a suitable period, and be measurable for the competence of negotiators by defining the discrepancy between expected goals and attained ones, and the reason behind that discrepancy. Then, procedures are to be taken to treat unfavorable discrepancy in managing negotiation, and to enhance the advantages.

6. Flexibility

The Glorious Koran gives general rulings that are related to the religious duties and dealings, but it has the interpretation and application of those rulings contingent upon general conditions and within Islamic Law. The purpose is to facilitate the performance of duties and dealings, and to ward off harm and bring forth benefit. This flexibility is

demonstrated in the Koran when Allah (HBG) says, ﴿He hath only forbidden you dead meat, and blood, and the flesh of swine, and that on which any other name hath been invoked besides that of Allah. But if one is forced by necessity, without wilful disobedience, nor transgressing due limits, then is he guiltless. For Allah is Oft-Forgiving, Most Merciful﴾²⁹. This shows that in time of urgent necessity or famine it is permitted to eat of the forbidden food, but should be only to avoid starvation and death. Another example of flexibility is this verse, ﴿Ramadan is the (month) in which was sent down the Qur-an, as a guide to mankind, also Clear (Signs) for guidance and judgment (between right and wrong). So every one of you who is present (at his home) during that month should spend it in fasting, but if any one is ill, or on a journey, the prescribed period (should be made up) by days later. Allah intends every facility for you; He does not want to put you to difficulties. (He wants you) to complete the prescribed period, and to glorify Him in that He has guided you; and perchance ye shall be grateful﴾³⁰. This tells that Muslims are permitted to break fasting if any one is ill or on a journey, yet the prescribed period should be made up by days later. The same is with the duty of Hajj (pilgrimage to Mecca), which is not compulsory for those who are unable to afford for it, ﴿pilgrimage thereto is a duty men owe to Allah, those who can afford the journey﴾³¹. Another example of flexibility is in case of debt, which is to give the debtor who is unable to pay the debt in time, an extra period, until s(he) be able to pay. However, if s(he) cannot at all afford to pay the debt at all, s(he) should be released from debt, and the lent amount of money is to be considered a charity given to him/her. This is illustrated in the Glorious Koran when Allah (HBG) says, ﴿If the debtor is in a difficulty, grant him time till it is easy for him to repay. But if ye remit it by way of charity, that is best for you if ye only knew﴾³².

Prophet Mohammed (PBUH) also emphasizes flexibility in all dealings, he said, “Allah bestows his mercy on the one who is smooth at selling and buying and at the administration of justice.” He also said, “Make things easy not difficult, and appeal, and do not repel”³³. He used to tell the Muslims that they should benefit from permitted acts in prayers, fasting, and all religious duties, as well as dealings, so that not to be burdened by strictness of performing duties. He also used to read Chapter “Sura” Al-Ala (or The Most High) in the Koran, in which Allah (HBG) says, ﴿And We will make it easy for thee (to follow) the simple (Path)﴾³⁴.

Flexibility of Prophet Mohammed (PBUH) in the negotiations he held with the non-Muslims before his emigration to Medina (Hijra), helped in establishing Islam as a new religion. Among those negotiations were the talks he had with six men of the Khazraj Arabs of Yethrib at the

time of pilgrimage (Hajj). The other was the talks a year later, at the First Pledge of Aqaba (Bai'at Al-Aqaba) with twelve men, ten from Khazraj and two from Aus tribes, and the year that followed at the Second Pledge of Aqaba with 73 men from the two tribes. Later were the negotiations between the Muslims and the polytheists after the Hijra and after the Battle at Badr, which was about the prisoners of war, when the Prophet offered many alternatives for the polytheists to end the conflict. One of those alternatives was that each prisoner would be released on bail of four thousand dirham, but if he could not afford for the release, he would teach ten Muslim boys reading and writing.

In Al-Hudaybiya peace talks, Prophet Mohammed (PBUH) was so flexible throughout the stages of the negotiations that some of his companions were displeased, and they demanded that he should be firm and strict with the delegates of Quraish. He insisted to be very tolerant and disregarded the offenses of Quraish, in order to give both the Muslims and the polytheists an example of the ethics and principles of Islam. He was able to convince the allies of Quraish that he had a cause, which was just, and that Islam is important. He was also tempting them to relinquish their support of Quraish, and turn to support him. Eventually, Prophet Mohammed (PBUH) was able to attain strategic goals that helped to make Islam triumph and later spread among people³⁵.

In view of that, negotiators have to be able to carry out negotiation with high flexibility, so that contrary parties go on in the talks without difficulty or distress, afterwards the negotiators would be able to fulfill their obligations properly. This is in accordance with what Allah (HBG) says in the Glorious Koran, ﴿Allah doth not wish to place you in a difficulty, but to make you clean, and to complete His favour to you, that ye may be grateful﴾³⁶, and, ﴿And strive in His cause as ye ought to strive, (with sincerity and under discipline)﴾³⁷.

Flexibility could be practised in various manners as the following:

- Negotiators present many alternatives for the other party to choose whichever suitable for the situation on condition that those alternatives help deal with problems, end conflict, and realize obligations. This has been explained in the Glorious Koran, Allah (HBG) says, ﴿O ye who believe! When ye deal with each other, in transactions involving future obligations in a fixed period of time, reduce them to writing let a scribe write down faithfully as between the parties; let not the scribe refuse to write: as Allah has taught him, so let him write. Let him who incurs the liability dictate, but let him fear his Lord Allah, and not diminish aught of what he owes. If the party liable is mentally deficient, or weak or unable himself to dictate, let his guardian dictate faithfully.... And get two witnesses, out of your own

men, and if there are not two men, then a man and two women, such as ye choose, for witnesses, so that if one of them errs, the other can remind her.... * If ye are on a journey, and cannot find a scribe, a pledge with possession (may serve the purpose.)³⁸. Allah (HBG) requires that transactions between parties should be documented and that two men witnesses must be present at the formulating of draft. When two men witnesses were not available, a man and two women may witness, as an alternative. Another example of alternatives is the use of sand to rub the face and hands when no water is available for ablution for prayer. This has been indicated in the Koran, ﴿O ye who believe! approach not prayers with a mind befogged, until ye can understand all that ye say, nor in a state of ceremonial impurity (except when travelling on the road), until after washing your whole body. If ye are ill, or on a journey, or one of you cometh from offices of nature, or ye have been in contact with women, and ye find no water, then take for yourselves clean sand or earth, and rub therewith your faces and hands. For Allah doth blot out sins and forgive again and again﴾³⁹, and so on.

- Negotiators should not demand from contrary parties what is beyond their abilities to do, as Allah (HBG) says, ﴿On no soul doth Allah place a burden greater than it can bear. It gets every good that it earns, and it suffers every ill that it earns. (Pray:) "Our Lord! Condemn us not if we forget or fall into error; our Lord! Lay not on us a burden like that which Thou didst lay on those before us; our Lord! lay not on us a burden greater than we have strength to bear. Blot out our sins, and grant us forgiveness﴾⁴⁰
- Negotiators should excuse opposite parties when any mistake has been made, or when it is not possible for them to fulfill obligations. This follows what Prophet Mohammed (PBUH) said, "Find an excuse for your brethren". Imam Ali bin Abi Talib also said, "Find seventy excuses for your brethren".
- Negotiators ought to ignore the unessential matters and the unintended words that may be uttered by opposite parties. In this regard, some say, "To overlook some of the things is to be dignified", also "Dignify yourself by disregard".

Flexibility, which distinguishes Islam, is very necessary at the present time in establishing relations among Muslims and between Muslims and non-Muslims, especially those who are hostile towards Islam. The reason is that it is very important to let others know about this religion, its principles, ethics, and aims, which look for peace and for the good of humankind. In addition, it is important to persuade others to accept Islam, especially opponents of this religion, and enable the

Muslims to avoid their evil intents towards Islam. It is enough that the Muslims have lost a great deal throughout the past centuries because some individuals are ignorant about Islam and its flexibility. If that flexibility were implemented in an appropriate manner, Muslims would have been as strong and as developed as the advanced countries, or even more advanced. Unfortunately, Muslims were so busy in insignificant conflicts, formal differences, and irrelevant points of disagreement that they have squandered their efforts and possibilities.

7. Deliberateness in Passing Decisions

Deliberateness in passing decisions helps in making those decisions more competent in the attainment of goals in negotiations. Prophet Mohammed (PBUH) emphasizes the importance of deliberateness saying “If you wanted to do something, think of its consequences, if right go on, and if wrong refrain from it”, because he knows that deliberateness helps in making one prepared for any problem or misunderstanding that may result from haste. Moreover, quickness is not commended and should be avoided because it may lead to unfavorable consequences, thus Allah (HBG) says in the Glorious Koran, ﴿Man is a creature of haste: soon (enough) will I show you My Signs; then ye will not ask Me to hasten them!﴾⁴¹.

In addition, Prophet Mohammed (PBUH) says, “Haste is from the devil, and carefulness is from Allah”. He also said, “Be careful in doing everything except those related to the Afterlife”⁴². The old proverb also says, “More haste less speed”⁴³.

The Glorious Koran gives an actual situation on the importance of carefulness in reaching right decisions and best rulings, He says, ﴿And he took a muster of the Birds; and he said: "Why is it I see not the Hoopoe? Or is he among the absentees? * "I will certainly punish him with a severe penalty, or execute him, unless he bring me a clear reason (for absence).﴾⁴⁴. Prophet Solomon (PBUH) wanted to punish the hoopoe because it did not attend a meeting with him and his armies, but the bird requested to be given the opportunity to explain its absence. Thus, King Solomon (PBUH) gave it the chance to talk and he listened attentively, and made the right decision, which is that he should leave the hoopoe unpunished.

Accordingly, negotiators should not pass any decision hastily, but should give themselves time to revise and analyze all alternatives, facts, and information about the decisions and rulings to be passed, and possible results that may come out of negotiation. Then, decision would be sound and right and help in solving problems.

Negotiators' deliberateness should not be taken by opposite parties as inability to decide matters in the appropriate time, or be interpreted as weakness or slowness, but that it is thoughtfulness and cautiousness for the sake of being right.

8. Establishing Mutual Trust between Negotiating Parties

Establishing mutual trust between negotiating parties forms the cornerstone of the success of negotiations, and clears the atmosphere from suspicion and doubt, thus inducing the parties to make reciprocal concessions in order to solve conflict. In contrast, mistrust between negotiating parties result in tension, and, then, the negotiator is reduced to a thing, not a human being to be trusted and to be in touch. The following is an outline of the manner in which mutual trust could be established:

- To express true desire and wish for holding talks and ending conflicts.
- To be clear of doubt or any unfavorable attitude towards contrary parties, because such attitudes create a barrier, which may be hard to penetrate to continue the talks.
- To ascertain the wish to go through negotiations on the basis of mutual trust.
- Actions of negotiators should be consistent with words and both should help in developing the relations with other party. This has been emphasized in the Glorious Koran, which tells that Allah (HBG) detests those whose actions are inconsistent with their words, ﴿Grievously odious is it in the sight of Allah that ye say that which ye do not.﴾⁴⁵. Thus, it is important that negotiators express themselves in gestures consistent with the words they say.
- Outward appearance of negotiators should look professional and respectful all through the talks, in order to establish trust.
- Obligations must be fulfilled in the best way possible.

However, negotiators should not give absolute trust to all parties until they be sure that those parties are trustworthy, so that to diminish any abuse of confidence. However, in case of abuse of confidence, negotiations must be suspended and any dealing with opposite parties should be stopped to put to the minimum the damages that would result from that abuse. When there would be no other choice for negotiators than to deal with the abusing parties, they may take into consideration the following points:

- Dealing with the parties that are not so much trustworthy should be reduced to the minimum, and confined to simple topics rather than strategic ones.
- It is favorable that all the subjects or topics of discussion are to be quantitatively measurable as much as possible in order to define digressions in fulfilling obligations accurately.
- Required time for fulfilling obligations should be defined in order to know the level of the commitment of negotiating parties to time duration.
- The parties that would not fulfill the defined obligations towards other sides should be penalized according to terms and conditions determined by agreements that result from negotiations⁴⁶.

9. Commitment to Agreements

The agreements that result from negotiations represent a pledge or a promise that the negotiators make on themselves. Therefore, they have to commit themselves to agreements and to the fulfillment of agreements according to specific terms and conditions, as Allah (HBG) says in the Glorious Koran, ﴿and fulfil (every) engagement, for (every) engagement, will be enquired into (on the Day of Reckoning).﴾⁴⁷. However, if it is impossible for one party to fulfill the agreements, they have to notify the opposite parties as soon as possible, clarifying the reasons that prevented fulfillment. Then the parties have to agree about methods of dealing with those reasons to overcome any obstacles.

10. Refutation of Proofs of Opposite Parties

Relying on facts in negotiation helps in refuting the proofs of opposite parties, and compels them to accept what is being presented in the talks. This has been indicated in the Glorious Koran when Prophet Abraham (PBUH) refuted King Nimrood, after he realized the foolishness and fallacy of the king, with a proof that the king could not counter. Allah (HBG) says, ﴿Hast thou not turned thy vision to one who disputed with Ibrahim about his Lord, because Allah had granted him power? Ibrahim said: "My Lord is He Who giveth life and death." He said: "I give life and death." Said Ibrahim: "But it is Allah that causeth the sun to rise from the East do thou then cause him to rise from the West?" Thus was he confounded who (in arrogance) rejected Faith. Nor doth Allah give guidance to a people unjust.﴾⁴⁸.

Another example of refuting proofs by stronger evidences is the debate that took place between Prophet Moses (PBUH) and the Pharaoh with the aid of his sorcerers, after they gathered to combat Prophet Moses (PBUH). Prophet Moses (PBUH) was able with the aid of Allah (HBG) to beat them once he threw his rod, which soon turned into a serpent swallowing up what they fake. The magicians immediately believed in Prophet Moses (PBUH) when they were certain that his proofs were not fake, ﴿They said "O Musa! whether wilt thou that thou throw (first) or that we be the first to throw?" * He said, "Nay, throw ye first!" then behold their ropes and their rods - so it seemed to him on account of their magic, began to be in lively motion! * So Musa conceived in his mind a (sort of) fear. * We said, "Fear not! for thou hast indeed the upper hand: * "Throw that which is in thy right hand: quickly will it swallow up that which they have faked: what they have faked is but a magician's trick: and the magician thrives not, (no matter) where he goes." * So the magicians were thrown down to prostration: they said, "We believe in the Lord of Harun and Musa."﴾⁴⁹.

11. Reliance on Accurate Data and Information

The Glorious Koran contains many verses which emphasize the importance of relying on accurate data and true information in establishing human relations and defining rights and obligations among people. At the same time, there are verses which warn against relying on false and ambiguous information, or on doubts, especially evil suspicion, to prevent the complications that result from evil thinking as it has no advantage for truth. Examples of those verses are many, of which are, ﴿But most of them follow nothing but fancy: truly fancy can be of no avail against Truth. Verily Allah is well aware of all that they do.﴾⁵⁰, ﴿O ye who believe! if a wicked person comes to you with any news, ascertain the truth, lest ye harm people unwittingly, and afterwards become full of repentance for what ye have done.﴾⁵¹, and, ﴿ye who believe! avoid suspicion as much (as possible): for suspicion in some cases is a sin﴾⁵².

In addition, Prophet Mohammed (PBUH) also advises the Muslims to avoid doubts and fancy in human dealings, he said, "Beware fancy because it is the falsest of discourse"⁵³. The old aphorism also says, "If a man's actions be evil, his fancies be evil too". This should not prevent relying on good thinking and views in establishing relationships.

In view of that, discussion between the negotiating parties should rely on accurate and clear information, on condition that that information is to be accessible, not hidden, throughout the talks.

12. Consideration for Concealment

The Glorious Koran emphasizes the necessity of secrecy and of hiding the desired aims from others so that the opposite sides would not work against their attainment. Allah (HBG) says in the Koran, ﴿Said (the father): "My (dear) little son! relate not thy vision to thy brothers, lest they concoct a plot against thee: for Satan is to man an avowed enemy!﴾⁵⁴. Prophet Jacob (PBUH) perceived that his son Joseph would be of high position in the future and was afraid that his jealous brothers might do something against that. Therefore, he told Joseph not to tell anybody about the vision he saw one night.

In this regard, Prophet Mohammed (PBUH) said, "Resort to concealment when fulfilling your affairs, because anyone who enjoys a blessing is envied". Therefore, he concealed his flight to Medina, and did not let Quraish know about his actions. He also hid his military goals in all battles against the polytheists, and did the same in the conquest of Mecca.

Concealment of aims in negotiation provides the negotiators with necessary flexibility that enables them to change their goals according to the changes in the situation during negotiations. At the same time, negotiators should know, objectively and accurately, aims of opposite parties as much as possible. President Kennedy used this manner in 1962 to end the crisis of the Soviet missiles in Cuba between the United States and the Soviet Union at that time. The Soviets showed their readiness to withdraw the missiles from Cuba if the U.S. would renounce the plan to invade it. President Kennedy agreed to the proposal, and this helped in solving the problem. It appeared later that Kennedy did not aim to invade Cuba, and that was why he accepted the offer without hesitation.

Accordingly, negotiators should not allow the opposite parties have knowledge of the aims they seek to attain, nor of the manner by which those aims will be attained, especially in case of strategic negotiations.

13. Recognizing the Intents of Opposite Parties

Negotiators should do their utmost to have knowledge of intentions and goals of opposite parties, by all available means. This is called "inquisitive strategy", by which one may gain information about purposes, potentials, and manners of opposite parties, in order to be prepared for the talks according to the given facts.

Interpreters of the Glorious Koran see that Queen Bathsheba followed the same manner when she sent a present to King (Prophet) Solomon (PBUH) in order to see his reaction, ﴿But I am going to send him

a present, and (wait) to see with what (answer) return (my) ambassadors." ﴿٥٥﴾. She wanted to know whether he was really a Prophet or he was just a king. If he had accepted the gift, it would have meant that he was only a king, but if he were a prophet, he would not accept any other thing than to have her believe in Allah (HBG). When her messengers returned with her gift, she realized that he was a prophet⁵⁶. As a result, she dealt with Prophet Solomon (PBUH) according to the information she received from her messengers.

CHAPTER EIGHT

NEGOTIATION ETHICS IN ISLAMIC DISCIPLINE

*A*pplication of the ethics of Islamic discipline in various human dealings helps in attaining both the favor of Allah (HBG) and desired goals. Since negotiation is one of the vital dealings in human life, in solving conflicts and establishing peaceful relations among humankind, it is important to apply the ethics of Islamic discipline on negotiation processes throughout their stages and situations, so that the objectives of all parties could be attained competently.

This chapter deals with concept of ethics, factors that affect the pattern of ethics, significance of good moral values, means of improving ethics, and finally ethics of negotiation according to Islamic discipline.

Concept of Ethics

Ethics is defined as a set of values which is inherent in the self, and from which actions come easily and spontaneously without beforehand thinking. If the actions that come from a set of values are well, it means that those values are good; but if the actions are bad or wicked, the values

are wicked¹. Ethics is also defined as innate or acquired traits, which affect the behavior of their owner, favorably or harmfully; if those traits are praised, the morals are good, but if not, they are wrong². Some conceive of ethics as rules and principles that organize human behavior, which are determined by the revelation to manage human life and relations in a manner that meets the purpose of existence in this world³. Then again, ethics is the standards and codes that govern the behavior of individual or group of individuals. This definition shows that the concept of ethics consists of acquired principles and rules, which organize human conduct in the dealings of life and in religious duties in such a manner as to meet the purpose of human existence in a perfect way.

Influences on the Shaping of Ethics

An individual's morals are shaped throughout the stages of life; those morals are indistinct in early stages, and they become more clearly defined and recognized as one grows up and becomes more experienced and learned, and his/her relations increase.

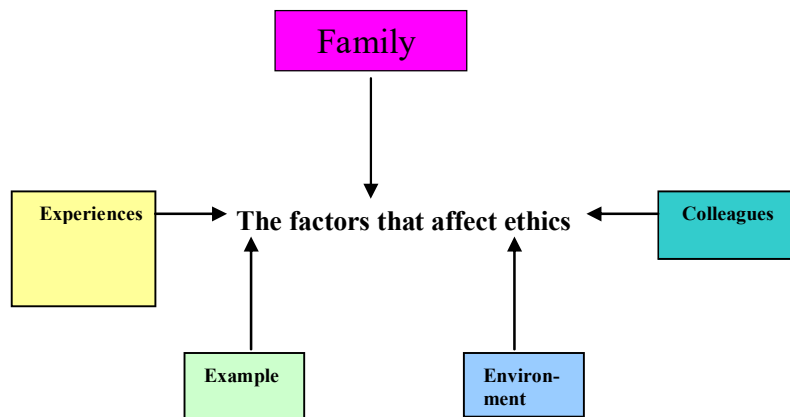
This confirms the fact that individuals do not get their morals from birth, but morals are acquired from the environment in which they live and grow up, and which develop and vary as they advance in age. This depends on the knowledge one obtains, as well as relationships, events, and situations one comes across throughout life. Exhibit 9 below shows factors that influence and shape human morals, which are as follows:

1. Family has a vital role in defining the main features of ethics and morals of its members. It represents the first source of information for individuals. Therefore, it has conspicuous effects in determining their moral values, emotional condition, aims, desires, attitudes, and responses towards others and the surroundings, as well as the manner of dealing with outside environment. In this regard, Prophet Mohammed (PBUH) says, "A human is born on nature and his parents make him a Jew or a Christian or a Magi".
2. Friends affect, to a certain extent, the shaping of individual's morals, aims, desires, and leisure pursuit. Prophet Mohammed (PBUH) says, "A person follows the conduct of his friend, so let him find out who to befriend". The old aphorism also tells, "Don't ask about a person, but ask about his companion".
3. Environment – social, religious, political, economic, and intellectual – also contributes to the shaping of human ethics. Accordingly, individuals who live in Europe, for instance, have moral values different from those who live in the Arab world, and

those who live in villages differ in their morals from their fellows in cities, and so on.

4. Acquired experiences influence the moral values of a person. This is the reason why individuals who have more experiences in life differ in their ethics from those who lack experience or who have less experience, especially in way of dealing with situations. Moreover, acquired experiences have obvious effects on their aims and manner of dealing with problems and on making decisions.
5. Charismatic individuals who represent a model for others have great influence on interests and morals of individuals. Therefore, the individuals must be very careful and watchful when they select a model that should be known for noble moral values, excellent opinions, and humanistic principles. Allah (HBG) has emphasized that a person should follow the example of the Prophet (PBUH), ﴿Ye have indeed in the Messenger of Allah a beautiful pattern (of conduct) for any one whose hope is in Allah and the Final Day, and who engages much in the praise of Allah.﴾⁴.

Exhibit 9
Influences on Ethics



Kinds of Ethics

1. noble ethics
2. wicked ethics

1. Noble Ethics

Is that pattern of conduct which produces actions and words that are reasonably and lawfully acceptable and commended. Good morals are such as honesty, compassion, justice, trustworthiness, benevolence, altruism, self-confidence, diligence, integrity, kindness, and affinity to others.

Individuals who enjoy such noble ethics are distinguished by modesty, righteousness, dignity, patience, gratefulness, wisdom, compassion, sympathy, and chastity. Such persons are harmless and faultless; they are not slanderous, nor intrusive, hasty, malicious, mean, or envious. They do not curse, swear, backbite, or repine, but they are bright-faced and smiling. They love for Allah (HBG) and hate for Allah (HBG), not for themselves. They possess good traits and humanistic disposition towards virtue and integrity. This makes such individuals accepted and loved by others, and able to have strong and good relationships that give them great advantages.

2. Wicked Ethics

It is that pattern of conduct which brings about reasonably and officially unfavorable and unacceptable actions and words. Such morals are like lying, stealing, annoyance, envy, malice, selfishness, avarice, discontent, impatience, indecency, and obscenity. Such ethics cause much suffering to the persons who possess them as well as to those who deal with wicked persons. They also result in sense of guilt and other troubles that have unfavorable effects on individuals and society as a whole. They make those who have good moral values decline to deal with bad tempered persons⁵. For that reason, Prophet Mohammed (PBUH) warns against wickedness, saying, “A person whose morals are bad is tormenting himself”. He also requests Allah (HBG) to keep him away from evil conduct saying, “O, God, I seek refuge with You from wicked morals, practices, and desires”.

Importance of Noble Ethics

Good or noble ethics are the spirit of Islam. Therefore, Islamic discipline emphasizes the fact that Allah (HBG) has sent his messengers and prophets to elevate human morals to the level where virtue reaches perfection. This would lead to attainment of sublime goals in this life and the life after, and to winning the favor of Allah (HBG). The importance

of good morals is clearly indicated in the Glorious Koran when Allah (HBG) describes Prophet Mohammed (PBUH) saying, ﴿And thou (standest) on an exalted standard of character﴾⁶. The Arab poet also emphasizes the value of good morals to humans saying:

Truly, nations are ethics as they remain,
For when their morals sink, they sink as well.

Another poet says:

When nations are struck in their morals
Hold a funeral on them and wail.

Allah (HBG) prefers good ethics for humans, and thus, He proscribes bad morals. Allah's (HBG) benevolence that He created humans and created this universe for them, gave them best of sustenance, and gave them mental power to benefit from the resources of earth for their living. Then, He sent His messengers and prophets to teach them wisdom and good manners to purify their souls. This has been emphasized in many verses of the Glorious Koran, Allah (HBG) says, for instance, ﴿Allah did confer a great favour on the Believers when He sent among them a Messenger from among themselves, rehearsing unto them the Signs of Allah, sanctifying them, and instructing them in Scripture and Wisdom, while before that, they had been in manifest error﴾⁷.

Noble morals are also considered the best way for deliverance and for winning Allah's (HBG) favor, as well as the favor of the Prophet and of all people. Allah (HBG) emphasizes the importance of good morals saying, ﴿It is not righteousness that ye turn your faces towards East or West; but it is righteousness to believe in Allah and the Last Day, and the Angels, and the Book, and the Messengers; to spend of your substance, out of love for Him, for your kin, for orphans, for the needy, for the wayfarer, for those who ask, and for the ransom of slaves; to be steadfast in prayer, and practise regular charity, to fulfil the contracts which ye have made; and to be firm and patient, in pain (or suffering) and adversity, and throughout all periods of panic. Such are the people of truth, the God-fearing﴾⁸.

Interpreters of the Koran see that the word "righteousness" in this verse indicates belief in Allah (HBG), His Angels, His prophets, the Day of Judgment, the revealed Scriptures or Books, and Fate, good or bad, as well as good morals. Good morals aim at setting good relations between humans and Allah (HBG) and between human and community. Therefore, righteousness combines all kinds of goodness⁹.

Prophet Mohammed (PBUH) also emphasizes good ethics saying, “Verily I was sent to perfect the noble morals”. This confirms the fact that he was sent to establish the good morals that already exist among people and bring them to perfection. This has been indicated in many of the sayings of the Prophet, of which are the following¹⁰, “The weightiest things in Doomsday are piety for Allah and noble ethics”, “Religion is good morals”, and, “Deal with people in good manners”.

He was once asked, “Which of human deeds are the best?” He said, “Virtuous manners”. He also said, “The best of believers is the most virtuous”, “If you cannot be generous to people with your money, be generous with a smiling face and good morals”, and “Bad morality spoils the deeds as the vinegar spoils the honey”. He also said, “The believer’s dignity is his religion and it suffices him to have good morals and honor”.

When the Prophet (PBUH) was asked about the best thing given to a person, he said, “Noble ethics”, and he said, “The most loved of me and closest to me in the Day of Judgment, is the one who has the best of morals”. He said as well, “There are three traits, anyone who does not possess them is not a reliable person, piety that prevents him from sin, wisdom that keeps the impudent away, and a moral that makes him live among people”. He said, “Good morality dissolves sin as the sun thaws the ice”. He also said, “A person’s happiness is in his dignified morals” and, “Bad morals lead to the bottom of hellfire”.

He was asked who is the most loved of Allah (HBG), he said, “The one who has the best of morals”, and he said, “The most perfect of the believers is the one who has the best ethics”.

Prophet Mohammed (PBUH) used to pray to Allah (HBG) saying, “O, God, I ask of you good health, protection, and good morals”. He used to start his prayer saying, “O God, direct me to the best of morals no one directs to them only You, and ward off the worst of morals, no one can ward them off only You”¹¹.

The above confirms the fact that to adhere to noble ethics is to win goodness and integrity in life, and salvation from hellfire in the afterlife. Thus, good morality is the traits of believers¹², and they are lawful prerequisite for which Islam invites humans, because of the vital role of morals in systematizing human relations in such a way as to lead to happiness. That is why Allah (HBG) considers good morals one of the requirements for the human to be vicegerent of Allah (HBG) on earth. He says in the Glorious Koran, ﴿(They are) those who, if We establish them in the land, establish regular prayer and give regular charity, enjoin the right and forbid wrong: with Allah rests the end (and decision) of (all) affairs.﴾¹³.

In view of that, if a person shows good ethics and commended actions, (s)he should be rewarded for that openly. Yet, if otherwise in certain cases, then (s)he should be ignored but not disgraced, especially when that action was unintentional or the person wants to conceal it. That is because if the person is to be disgraced publicly, (s)he may be indifferent, and may not care about being disgraced. However, if that act is to be repeated, then the person must be told about the offence and blamed for bad acts, but not in public, and should be warned of public dishonor if the act would be repeated again. At the same time, the offending person should not be blamed every time (s)he makes the wrongdoing, so that (s)he would not be so used to blaming as to be unconcerned, then it would become so easy for him/her to make offenses every time, and be careless, unless (s)he be disciplined.

Methods of Improving Individuals' Ethics

Nobody can reach perfection in morality, only Prophet Mohammed (PBUH), and people vary in the degree of being like or unlike him. Therefore, it is necessary to improve morals of individuals who are unlike him. Humans are able to change the behavior of beasts to make them behave according to what is desired of them. For instance, humans are able to tame lions, elephants, horses, dogs, birds, dolphins, and other beasts, so in the same way, humans would be able to tame or habituate other humans, or change their morals for the better. That is, if morals were unchangeable, then advices, instructions, and preaching would be pointless and unnecessary, and then Prophet Mohammed (PBUH) need not say, "Improve your manners", and the Arab poet would not have said:

Morals grow like plants

If watered with noble traits

The similitude of human soul in taking care of it and curing it from vices and base morals, and substituting them with virtues and good morals, is that of the sick body and of curing it from the diseases in order to be healthy and vigorous. As physicians treat patients in different ways according to illnesses, the same is with morals; they could be improved by various ways. This depends on the adequate choice of the manner by which one can change different morals, as well as on certain factors such as the person's adherence to bad behavior, and the extent to which the requirements of change are provided.

It is worth mentioning that some persons adhere to their behavior or ethics either because they believe that they are right, or due to

unreasonable contention, to ignorance, or to advantages they obtain from that behavior. Herewith are the ways by which a person's morals could be elevated:

1. Self-alteration: this refers to the ability of individuals to change and accustom themselves to acts and words that signify good morals. This requires clear insight into one's self, recognizing acts and words that reflect good morality, and those that signify bad ethics. Self-alteration also involves emotional inclination in order to be achieved and to face the difficulties that may arise during the process of purifying one's self from long-running bad conduct.
2. Training: individuals should be educated on good manners from early stages of life in order to make them acquire good morals that help them to live and be accepted. This requires that children be watched and directed so that good morals be rooted in their selves. However, if it were not easy or not feasible to educate children, then they may be instructed by a variety of ways about what bad manners are and what good are. Their attention should be drawn towards observing the damages wickedness may cause, as well as the advantages brought about by noble morality. They are to be convinced that good ethics lead to success and wellbeing, in order to make them avoid wickedness. Hence, the poet says:

The uprightness of your affairs goes to ethics

So, rectify your self with ethics, it will be upright.

In this regard, training programs, which aim at changing behavior and morals of others, must be set and prepared according to comprehensive and objective study about targeted individuals. Their age, gender, and education, should be analyzed, together with their adherence to their established ethics, and mutual trust between them and the persons who undertake the change process.

3. Good example: the individual's family and home are considered the example of manners and morality in the early stages of life. (S)He is entrusted to them in forming his/her ethics. Therefore, it is necessary that this trust should be implemented towards educating the individual on right manners. The family must be having good ethics, in order to transmit that to the individual. The individual also acquires his/her moral values from peers and other surrounding persons such as the teachers, clerics, and leaders in society. However, it is important for the individual to follow good examples like that of Prophet Mohammed (PBUH), who is described as having the best of morality.

4. Suitable environment: suitable surroundings of the individual have a vital part in shaping up his/her ethical disposition, thoughts, aims, and manners. An individual is the product of his/her milieu, and morals of a person could be improved by changing that milieu.
5. Social demands: an individual's behavior and morality could be changed or rectified according to social demands or force, which aim at keeping the individual away from wickedness and bad practices that may cause harm to individual and society as a whole. Accordingly, certain rural communities still impose strict penalties on the individual whose acts are wicked, and sometimes that individual is banished from the community altogether. The Arab pre-Islamic poet said when he was expelled because of his misconduct:

The whole tribe shunned me away,
And I was singled out like a diseased camel.

6. The demands of the law of state¹⁴: an individual's behavior could be changed by imposing strict penalties on bad conduct. At the same time, those penalties should be intended to make the punished person an example of misconduct to be avoided by others. In the Glorious Koran, Allah (HBG) says, ﴿In the Law of Equality there is (saving of) Life to you, O ye men of understanding; that ye may restrain yourselves.﴾¹⁵. It is worth mentioning that those penalties should be applied to the minimum because of their unfavorable consequences.
7. Association with those who are known for good ethics: one may associate him-/herself with upright persons to observe their behavior, and to accompany them, because humans learn from others and are affected by them. The old wisdom says, "Don't ask about a person but ask about his consort". Moreover, good person is a mirror reflecting acts and conduct of the companion. Both can see the faults and misbehavior of one other and correct one another. Both also learn from each other, avoid the bad, and follow the good. However, this way of improving morality requires that one should have clear insight and ability to distinguish good from wicked, as well as the aptitude to go along with others.
8. Changing the referential group to which an individual belongs motivates him/her to improve his/her morality, and quit previous ethics which were acquired from associating one's self with wicked persons.

9. Offering material and nonmaterial incentives helps in motivating individuals to improve their ethics. At the same time, they must be assured that this change would cause no harm¹⁶. Studies have proved that this way of changing morality is very successful, and that many individuals changed for better moral status. The Glorious Koran indicates that those who alter from wickedness to goodness are promised ample rewards in this life and the life after.
10. Another way by which an individual may improve his/her behavior is to scrutinize and analyze the criticism and observations of opponents to be able to recognize bad morals and attempt to improve them. The reason is that opponents of individuals have better idea of what is good and what is wicked in the morals of their antagonists, while the friends may be unaware of the morality of their companions, or they just overlook it. Accordingly, a cruel opponent is sometimes better than a flattering friend. Unfortunately, some individuals do not benefit from the unfair criticism of their antagonists and think that it is mere lies and disapproval because of hatred, envy, or jealousy. It is also recommended that a person learn from the mistakes that are recognized by the opponents not the friends, and realize the harm those mistakes cause to other people.

It is worth mentioning that individuals differ in their aptitude to change their behavior and morals in the manner indicated above¹⁷. Some find it easy to change themselves altogether and some find it difficult, but try to make a slow progress. Yet, some others cannot change themselves at all. This depends on certain reasons as the following:

1. It is difficult for a person to alter his/her morality if the period during which an individual is used to certain ethics be long. The process of change would take a long time.
2. A person's confidence in the appropriateness of the morality (s)he has, also determines the readiness to improve. If a person believes that his/her morals are good, it becomes difficult to convince him/her of being wrong.
3. The advantages a person gets from a certain morality (s)he holds also determine the extent to which that person is liable to change. Thus, if one benefits from a behavior, it becomes difficult for him/her to improve it, for fear of losing those advantages.

4. Ability to distinguish between good morals and wicked morals, together with the desire to change make it easy for a person to shift his/her moral disposition. In this regard, the Arab poet, Al-Mutanabbi*, says:

What would one benefit from his sight,

When to him light and darkness are the same.

5. It is difficult for a person to change his/her morality when that person has strong persistence and obstinacy, even if (s)he knows that it is wrong. Sometimes, they would never try to change because they are led by their arrogance.

Negotiation Ethics in Islamic Discipline

1. Concern for opposite parties
2. Avoidance of coercion
3. Professing the mistakes
4. Making concessions
5. Assisting the opposite parties
6. Avoidance of provoking the opposite parties
7. Showing inclination to negotiate
8. Allowing the opposite parties to express their viewpoints
9. Generosity towards the opposite parties
10. Avoiding the discussion of details
11. Modesty
12. Patience, forbearance, and self-control
13. Preserving the dignity of the opposite parties
14. Good opinion of the opposite parties
15. Fulfillment of the covenant

1. Concern for Opposite Parties

The concept of the “Other” refers to the person or group of persons, who stand facing the Self and completing it. The Lithuanian Philosopher, Levinas, emphasizes the importance of the other and raises that importance to the degree as to make the other better than the self and prior to it. He thinks that the existence of the other entails him/her rights

before any obligations. Therefore, one should not deny, or neglect, the rights of the other, but should enable him/her to get them all.

The German philosopher, Hegel, extends the argument to make the Other a part of the self, while Sartre believes that the existence of the other is important to the existence, continuity, and progression of the self, and the other does not threaten the self¹⁸. Sartre also thinks that the other is the conciliator between one and one's self, and the key to the understanding of the self and the sense of existence of the self¹⁹.

Islamic discipline came fifteen centuries before the above-mentioned philosophers in its consideration of the other. Islamic discipline has confirmed the importance of the others, and of dealing with them as close friends even if there is sort of disagreement or hostility with them. Treatment of the other on good terms will enhance good relations instead of aggravating feud and enmity. Therefore, everybody should believe that disagreement does not affect good relations, but may help in finding terms of agreement to solve problems. This has been indicated in the Glorious Koran, as Allah (HBG) says, ﴿Nor can Goodness and Evil be equal. Repel (Evil) with what is better: then will he between whom and thee was hatred become as it were thy friend and intimate﴾²⁰.

In the light of this verse, people could be divided into four groups according to their relations to the individual. The first group includes those whose relationship with the individual is that of intimate friend. The second consists of people whose relationship with the individual is that of friend. The third is group of persons who have no relationship with the individual, and the fourth is those persons who have enmity towards the individual. In this verse, Allah (HBG) advises the individual that his/her relationship with others, even the enemy and the offending should be like that of the intimate friends.

If a human does good to those who do him/her wrong, then that good would help in ending disagreement, enhance good relations, and stimulate kindness and compassion among humans, as if they were all intimate friends.

There are many verses in the Glorious Koran in which Allah (HBG) instructs the humans to pray in the plural, when the prayer is to ask for blessing, forgiveness, and guidance from Allah (HBG). Thus, the prayer is not only for one's self, but also for others and for all humanity, because one should wish everything good for fellow humans as for the self. Allah (HBG) says, for instance, ﴿And there are men who say: "Our Lord! Give us good in this world and good in the Hereafter, and defend us from the torment of the Fire!"﴾²¹, and ﴿they prayed: "Our Lord! Pour out constancy on us and make our steps firm: help us against those that reject faith﴾²². He (HBG)

also says ﴿Our Lord! Condemn us not if we forget or fall into error; our Lord! Lay not on us a burden like that which Thou didst lay on those before us; our Lord! lay not on us a burden greater than we have strength to bear. Blot out our sins, and grant us forgiveness. Have mercy on us. Thou art our Protector; help us against those who stand against Faith.﴾²³, and, ﴿Our Lord!﴾ (they say), "let not our hearts deviate now after Thou hast guided us, but grant us mercy from Thine own Presence; for Thou art the Grantor of bounties without measure.﴾²⁴.

Prophet Mohammed (PBUH) also confirms the importance of being concerned for the others and for wishing good to fellow humans as for the self. He says, "Wish for your brethren what you would wish for yourself". He also tells people to have kindness and love among themselves because any harm that distresses any individual will distress all individuals equally. He says, "The example of the believers in their friendly relations and compassion is that of the human body, if any organ falls ill, all organs suffer restlessness and fever". This indicates that the other stands for the self, and that the concern for the other should be as the concern for the self, so that the self becomes in good condition in this life and in the hereafter.

Accordingly, negotiators have to give their attention and concern to opposite parties, and not to wrong them. They have to develop mutual relations, and simulate one another to cooperate on good terms. The Arab poet emphasizes the concern for the opponent as well as the self, he says:

Do your utmost to your opponent as you desire for yourself

And be searching for truth though you know it.

2. Avoidance of Coercion

Negotiators have to know very well that they have no right to coerce the opposite parties to accept terms and opinions presented to them. They also have no right to use ideological, economic, social, or political violence or intimidation to force others to change their behavior, morals, or attitudes, or to abandon their goals. This requires that the negotiators believe that the others have right for freewill to decide for themselves on their own. Allah (HBG) says in the Glorious Koran, ﴿Let there be no compulsion in religion﴾²⁵ and, ﴿thou then compel mankind, against their will, to believe﴾²⁶. That is, one cannot be forced to accept this religion if one cannot feel the greatness of this religion and believe in it by one's self. The same is with changing ideas and attitudes; it cannot be achieved by force.

It is worth mentioning that the second verse is meant for the natives of Yethrib**, who used to make a vow if they gave birth to male children, they would make them Jews or Christians. After the advent of Islam, and the departure of the Jews of Al-Nadheer*** out of Yethrib, some of the Muslims coerced their children to convert to Islam. Allah (HBG) informed them not to do that if their children would not convert by their own freewill²⁷. Islam is clear, and it is impossible to force anyone to believe if one cannot understand the religion and that there is no god but Allah (HBG), and cannot feel the His greatness.

Islam also calls for mildness in presenting one's thoughts and opinions to others, especially when those others are enemies or opponents. Allah (HBG) tells Prophets Moses and Aaron (PBUH) to go to the Pharaoh and speak gently to him, although the Pharaoh was a tyrant, ﴿Go, both of you to Fir'aun, for he has indeed transgressed all bounds; * "But speak to him mildly; perchance he may take warning or fear (Allah)"﴾²⁸.

Everybody has to realize that coercion and force result in resistance and conflict. Contrary to that is persuasion, which keeps individuals on good terms, and helps in achieving desired change in behavior and attitudes straightforwardly and satisfactorily. Thus, persuasion is the manner of the thoughtful individuals, which should be adopted as a principle for exacting change. The Arab poet says in this regard:

Religion is, by proper understanding, upright,
Not by coercion and taking sides.
Passion to inherited beliefs is weakness,
It does not show the right way, it is concealing.

3. Professing the Mistakes

All humans know that everybody is liable to make a mistake or mistakes in life, whether intentional or not. Prophet Mohammed (PBUH) emphasized this saying, "All of you err, and the best of the erroneous are those who ask forgiveness". Therefore, negotiators must acknowledge very honestly their miscalculation against the opposite parties, in order to encourage opposite parties to respect honesty and avoid deception. Otherwise, unacknowledged errors may lead to harmful consequences especially that the one who goes too far in offensive acts without admitting or apologizing would find it difficult to amend later.

The Glorious Koran refers to this when it tells about the temptation of Prophet Adam (PBUH) to eat of the forbidden tree ﴿Then began Satan

to whisper suggestions to them, in order to reveal to them their shame that was hidden from them (before): he said: "Your Lord only forbade you this tree, lest ye should become angels or such beings as live forever" ²⁹. However, Prophet Adam (PBUH) and Eve admitted their fault, asked forgiveness, and expressed repentance, that they would not make any act of disobedience again.

Prophet Moses (PBUH) also admitted his error, which he committed while living with the Pharaoh. He told the Pharaoh that he was ignorant at that time and now he apologized. Allah (HBG) says in the Glorious Koran, ﴿Fir'aun﴾ said: "Did we not cherish thee as a child among us, and didst thou not stay in our midst many years of thy life? * "And thou didst, a deed of thine which (thou knowest) thou didst, and thou art an ungrateful (wretch)!" * Musa said: "I did it then, when I was in error." ³⁰.

Admitting errors is considered one of the virtues that any person should have, therefore, individuals should be encouraged to have that virtue and to admit their mistakes and hold themselves responsible for them. They should also be enabled to learn from those mistakes so that they would not repeat the same error a second time.

Islamic discipline proves the importance of admitting one's mistakes in order to establish strong human relations. This is demonstrated in the Glorious Koran, which tells about the brothers of Prophet Joseph (PBUH), when they acknowledged their envy and the wrong they did to their younger brother, then asked forgiveness and repented. In the same instance, the wife of the Great (Aziz) also admitted that she attempted to seduce Prophet Joseph (PBUH), and acknowledged her bad behavior.

Negotiators in turn have to provide suitable atmosphere to enable the opposite parties to reduce the occurrence of mistakes they may be doing, but they should not be forced to do what is beyond their physical, mental, or financial capacity, in order not to fail in fulfilling the requirements, hence to get it wrong. Allah (HBG) says in the Glorious Koran ﴿On no soul doth Allah place a burden greater than it can bear﴾ ³¹. At the same time, opposite parties should be encouraged to acknowledge their mistakes, and learn to avoid them and restore to proper acts. An error is not a shortcoming as much as a turning point in which negotiators should try to realize the causes behind it, and avoid repeating it. It is not a fault to err, but the fault is to insist on erring, and worse than that, is when one becomes arrogant, and refuses to amend the mistake. Such is described in the Koran, ﴿When it is said to him, "Fear Allah," he is led by arrogance to (more) crime. Enough for him is Hell; an evil bed indeed (to lie on)!﴾ ³².

It is noticed that offending persons would not admit and apologize for the offense when they are convinced that nothing wrong was done, or when they feel that there is no advantage behind admitting the error. Therefore, the situation should be explained to them, they should know that acknowledging the mistake is advantageous for all parties, and they have to make an apology. They should also know that they must not repeat the offensive act again.

Prophet Mohammed (PBUH) emphasizes the necessity to accept apology of the erring person saying, “Anyone who does not welcome his Muslim brother’s apology is like the collector of taxes”. The collector of taxes is the unjust person who takes money from people illegally, thus doing injustice. That is, if one apologizes for the wrongdoing, others have to accept the apology or else they should be blamed for rejecting it and be held responsible for it like the unjust person³³.

To express regret for one’s errors, and to thank those who draw one’s attention to committed mistakes, is considered a demonstration of courage at its best. Therefore, Omar bin Al-Khattab asks Allah (HBG) to show him his faults, and expresses gratitude for those who enable him to know his errors. He said, “May Allah have mercy on all those who tell me about my faults”, because an error committed and admitted could lead to Allah’s (HBG) forgiveness, especially when one decides not to fall in error again.

4. Making Concessions

Making concessions is considered one of the prerequisites of ending disagreement and of success of negotiations in most instances. The verse in the Koran which says ﴿But if the enemy incline towards peace, do thou (also) incline towards peace, and trust in Allah: for He is the One that Heareth and Knoweth (all things).﴾³⁴, emphasizes the necessity of making concessions to opposite parties, and of resigning aggression when dealing with a problem, especially when opposite parties desire peaceful means to solve conflict. Concessions may be one-sided only, and sometimes continuance and success of negotiation require reciprocal concessions.

Negotiators must know that concessions to opposite parties should be made according to a certain previous plan or agreement, mainly when one of the parties make sure that those concessions induce the other party to carry on negotiation to ultimate stages, and help in attaining desired results. Concessions, however, must be made according to certain basics, as the following:

- To prepare a list of all probable major and minor concessions.

- Concessions are not to be made until one makes sure that making them is imperative to conduct the negotiation process.
- Negotiators start making simple concessions first, to see if they help in solving any disagreement. If not, then more concessions could be made, on condition that this would not lead to any risky results to the conceding side.
- Advantages expected from concessions should be more than the costs. Therefore, negotiators have to define accurately the cost of making concessions, whether financial or otherwise, against the benefits they may achieve from negotiation.
- Negotiators are to get reciprocal concession from opposite parties.
- Concessions should not be made at once, but should be made in accordance with the situation during the negotiation process.
- Concessions must be determined according to Islamic Law.

Prophet Mohammed (PBUH) also made many concessions to the envoy of Quraish, Suhail bin Amr, during the negotiation of Al-Hudaybiya Treaty in the sixth year of the emigration to Medina (Hijra). This will be discussed in detail later in the book. In addition, when Prophet Mohammed (PBUH) wanted to divorce his elder wife, Sauda bint Zam'a, she wanted to prevent the divorce by making an agreement with him, which was to give up her day with him for the younger wife, Aisha, in return, the Prophet (PBUH) would not divorce her. This indicates that there were reciprocal concessions between them³⁵.

5. Assisting the Opposite Parties

Assisting the opposite parties in negotiation enables those parties to overcome their difficulties, and encourages them to participate actively in the talks. Allah (HBG) recommends this in the Glorious Koran when he says, ﴿If one amongst the Pagans ask thee for asylum, grant it to him, so that he may hear the word of Allah; and then escort him to where he can be secure. That is because they are men without knowledge.﴾³⁶.

In his exegesis of the Koran, the Islamic scholar Ibn Katheer said of this verse that Allah (HBG) tells Prophet Mohammed (PBUH) that if anyone of the polytheists who were fighting him, sought protection with the Prophet, the Prophet (PBUH) should grant him his request, recite to him verses from the Glorious Koran, and tell him about Islam to be a proof against his plea. Afterwards, the Prophet would protect him and

keep him safe until he would go back to his home. That is, Allah (HBG) enacted the protection of the polytheists who were fighting in order to make them know about the new religion, and to spread the word of Allah (HBG) among humankind. The aim is to bring forth advantages, to ward off harm, to establish freedom, justice, and equality, to protect human rights, and to end conflicts, which cause immense harm and destroy life³⁷.

Assisting the opposite parties should not be a pretense, and not to be followed by any act of humiliation or transgression. Allah (HBG) says in the Glorious Koran, ﴿Nor those who spend of their substance, to be seen of men, but have no faith in Allah and the Last Day: if any take the Evil One for their intimate, what a dreadful intimate he is!﴾³⁸. He also says, ﴿Those who spend their substance in the cause of Allah, and follow not up their gifts with reminders of their generosity or with injury, for them their reward is with their Lord; on them shall be no fear, nor shall they grieve.﴾³⁹. In addition, it should not aim at enabling opposite parties to misuse this support for improper purposes. Allah (HBG) says in the Glorious Koran, ﴿The Unbelievers spend their wealth to hinder (men) from the path of Allah, and so will they continue to spend; but in the end they will have (only) regrets and sighs; at length they will be overcome: and the Unbelievers will be gathered together to Hell.﴾⁴⁰.

6. Avoidance of Provoking Opposite Parties

Negotiators have to evade all topics that may rouse the opposite parties, or rouse their suspicion and doubts, or may enrage them, and induce enmity and hatred. Such would aggravate disagreement and lead the opposite parties to acts of retaliation, and to terminating the talks.

The Glorious Koran shows that Allah (HBG) forbids cursing the idols and gods of polytheists, because this act, though it might bring some benefit, leads to great harm, which is that the polytheists would strike back by swearing at Allah (HBG). Allah (HBG) says in the Glorious Koran, ﴿Revile not ye those whom they call upon besides Allah, lest they out of spite revile Allah in their ignorance﴾⁴¹.

The Islamic scholar, Ibn Abbas, said in explaining the grounds of this verse that men from Quraish came to Abu Talib, the Prophet Mohammed's (PBUH) uncle, asking him to tell the Prophet that his companions should stop cursing their idols so that they stop swearing at the God of the Muslims. Muslim scholars think that the ruling of this verse is valid in the present time, and therefore, it is forbidden to swear at the idols and gods of non-Muslims in order not to allow any transgression against Islam.

The Glorious Koran also shows how the brothers of Prophet Joseph (PBUH) offended him when the beaker of the king was found at the baggage of Benjamin, Prophet Joseph's (PBUH) younger brother. They said that he must have stolen it as his brother (Prophet Joseph (PBUH)) stole before. However, Prophet Joseph (PBUH) did not say anything to them and restrained himself to show that the negotiator must not be distressed by the claims of the opposite parties, and should show patience when offended. The Koran tells us ﴿They said: "If he steals, there was a brother of his who did steal before (him)." But these things did Yusuf keep locked in his heart, revealing not the secrets to them. He (simply) said (to himself): "Ye are the worse situated; and Allah knoweth best the truth of what ye assert﴾⁴².

Islamic discipline also confirms that negotiators should not be tough and cruel with opposite parties, in order to let them carry out negotiations without break, and accept opinions presented to them. At the same time, negotiators should encourage the opposite parties to continue the talks to the end. In the Koran, Allah (HBG) says ﴿It is part of the Mercy of Allah that thou dost deal gently with them. Wert thou severe or harsh-hearted, they would have broken away from about thee: so pass over (their faults), and ask for (Allah's) forgiveness for them; and consult them in affairs (of moment). Then, when thou hast taken a decision, put thy trust in Allah. For Allah loves those who put their trust (in Him).﴾⁴³.

This verse shows that Allah (HBG) reminds Prophet Mohammed (PBUH) of His favor, which made the Prophet gentle and enduring with those who believed in the new religion, otherwise, they would have kept away from him and rejected his ideas.

This shows that negotiators have to be gentle and tolerant with the opposite parties to the end. Negotiators should not be offensive or rude, but should be respectful of others and of their values and goals, as far as that would not be against the rulings of Islam, even if they do not agree to them. Allah (HBG) says in the Glorious Koran, ﴿O ye who believe! ask not questions about things which, if made plain to you, may cause you trouble. But if ye ask about things when the Qur-an is being revealed, they will be made plain to you, Allah will forgive those: for Allah is Oft-Forgiving, Most Forbearing.﴾⁴⁴.

7. Showing Inclination to Negotiate

Negotiators should be prepared mentally and emotionally for the talks, and this should be reflected on the way they deal with opposite parties. They have to be conscious of their words and phrases, which show the most appropriate indications and willingness to negotiate. Their

gestures and facial expressions also have to signify friendliness and confidence in order to create a suitable atmosphere for negotiations. This has been indicated in the Glorious Koran, when one should show readiness for vital acts, ﴿O Children of Adam! Wear your beautiful apparel at every time and place of prayer: eat and drink: but waste not by excess, for Allah loveth not the wasters.﴾⁴⁵.

In this regard, Prophet Mohammed (PBUH) says, “Your smile at your brethren is charity”, since the smile adds a sense of delight and goodwill among negotiators during the talks, and remove tension and hostility. This would induce the negotiators to cooperate in order to find the best solutions to conflict and disagreement between the parties.

Mental and emotional readiness for negotiation requires also a sense of optimism so that the negotiating parties would anticipate best results.

It is noteworthy that to anticipate best results in all situations signifies good ethics that brighten the atmosphere so that the desire to carry on the talks increases. The Glorious Koran shows that Allah (HBG) gave promise of happiness to the prophets and messengers, and to the whole of humankind. He gave Prophet Abraham (PBUH) good tidings of a son, Ishmael; Prophet Zachariah (Zakariya) (PBUH) also of a son, Prophet John (Yahya) (PBUH); and Virgin Mary of Jesus (PBUH). Allah (HBG) also gives people good tidings of forgiveness and favor in heaven, and He sent the prophets and messengers to tell that promise to humankind in order to stimulate them to perform their religious and secular duties according to Allah’s (HBG) rulings.

8. Allowing Opposite Party to Express their Viewpoints

Negotiators should give the opposite parties opportunity to express their thoughts and ideas freely, and present the problem as they see it, allowing them to give whatever evidences they have. At the same time, they have to show respect and interest in order to know their goals and manner of negotiation. On the other hand, negotiators have to possess the ability to present counter proofs to show that they are not convinced, and to allow the opposite parties time to change their misconceptions, and accept the solutions that can put an end to disagreement. In this regard, Allah (HBG) says in the Glorious Koran, ﴿They said: "O Musa! wilt thou throw (first), or shall we have the (first) throw?" * Said Musa: "Throw ye (first)." So when they threw, they bewitched the eyes of the people, and struck terror into them: for they showed a great (feat of) magic.﴾⁴⁶.

These verses show that Prophet Moses (PBUH) asked the sorcerers of the Pharaoh to throw first so that all people see with their own eyes and think it to be true. Then, after they were so falsified, the plain and clear proof would come to swallow up the falsehood they have faked. This was enough evidence for the sorcerers to believe, who from their knowledge of magic realized that what Prophet Moses (PBUH) did was not false magic. Thus, they turned against the Pharaoh and exposed themselves to his wrath and punishment with which he threatened them; regardless of the rewards he promised if they defeated Prophet Moses (PBUH) ⁴⁷.

9. Generosity towards the Opposite Parties

Parties in negotiation should be welcomed and honored in a friendly way, taking after Prophet Abraham (PBUH) who hurried to welcome his guests and offered them the best food, as is mentioned in the Koran: ﴿There came Our Messengers to Ibrahim with glad tidings. They said, "Peace!" he answered, "Peace!" and hastened to entertain them with a roasted calf.﴾⁴⁸, and, ﴿Then he turned quickly to his household, brought out a fatted calf,﴾⁴⁹.

The guest should also be welcomed, honored, taken care of, and protected. Therefore, Prophet Lut (PBUH) did his utmost to protect his guests from the vile people: ﴿And his people came rushing towards him, and they had been long in the habit of practising abominations. He said: "O my people! Here are my daughters: they are purer for you (if ye marry)! Now fear Allah, and cover me not with shame about my guests! Is there not among you a single right-minded man?"﴾⁵⁰.

Generosity to guest is considered part of noble morality, which should be followed by humans. This tells why Prophet Moses (PBUH) was astonished when he and his companion, Al-Kheder****, went by a town whose inhabitants refused to give them food they asked for: ﴿Then they proceeded: until, when they came to the inhabitants of a town, they asked them for food, but they refused them hospitality. They found there a wall on the point of falling down, but he set it up straight. (Musa) said: "If thou hadst wished, surely thou couldst have exacted some recompense for it!"﴾⁵¹.

It is worth mentioning that generosity is also an aspect of courage, but the one to whom generosity is offered should be worthy so that the generous person would be encouraged to do more generous acts. In this regard, the Arab poet says:

If you honor the noble person, he owes you,
But if you honor the mean, he will rebel.

10. Avoiding Discussion of Details

Negotiators have to avoid going into the details of the subject, which might make the opposite parties impose their own conditions and terms that are difficult to meet, or could lead to the aggravation of the problems. This has been indicated in the Koran when Allah (HBG) tells how the people of Prophet Moses (PBUH) went on and on asking about the cow they were ordered to sacrifice. Their enquiry about the details of the cow's features obliged them to face difficulty in searching for such a specific cow. The Glorious Koran tells ﴿And remember Musa said to his people: "Allah commands that ye sacrifice a heifer." They said: "Makest thou a laughing-stock of us?" He said: "Allah save me from being an ignorant (fool)!" * They said: "Beseech on our behalf thy Lord to make plain to us what (heifer) it is!" He said: "He says: the heifer should be neither too old nor too young, but of middling age: now do what ye are commanded!" * They said: "Beseech on our behalf thy Lord to make plain to us her colour." He said: "He says: a fawn-coloured heifer, pure and rich in tone, the admiration of beholders!" * They said: "Beseech on our behalf thy Lord to make plain to us what she is: to us are all heifers alike: we wish indeed for guidance, if Allah wills." * He said: "He says: a heifer not trained to till the soil or water the fields; sound and without blemish." They said: "Now hast thou brought the truth." Then they offered her in sacrifice, but not with good will.﴾⁵².

Going too far into details and minute information is not good for negotiators as that may lead them to make mistakes, or that those details may be used against them. In addition, going far in discussing details consumes much time and effort that could be spared for other issues. Therefore, it is preferred that negotiators focus on important outlined topics of negotiation without making digressions. It was said before, "The best of speech is the least that is suggestive", and it is also said, "More words, more errors".

Opposite negotiators have to avoid posing too many questions the answers to which may be annoying, or may reveal some undesirable information. This has been emphasized in the Glorious Koran, ﴿O ye who believe! ask not questions about things which, if made plain to you, may cause you trouble. But if ye ask about things when the Qur-an is being revealed, they will be made plain to you, Allah will forgive those: for Allah is Oft-Forgiving, Most Forbearing.﴾⁵³. Allah (HBG) wants the believers to be better educated, so He does not want them to go too far in their enquiry into matters, because they may be annoyed, they may not like to know, or they may be exacting difficult rulings, if those matters were revealed.

Therefore, Prophet Mohammed (PBUH) says, "The most distressing person is that who asks about a ruling for some permitted matter which might be forbidden because of his questions". He also says,

“Take what I gave you; truly, what destroyed those who preceded you was that they kept asking about things”. Moreover, when Allah (HBG) says in the Koran ﴿pilgrimage thereto is a duty men owe to Allah, those who can afford the journey;﴾⁵⁴, some asked the Prophet (PBUH), “Should we do that every year?” The Prophet was silent, then they asked again, he said, “No, and if I have answered with yes it would be an obligation that you won’t be able to fulfill”⁵⁵.

11. Modesty

Modesty is considered one of the important prerequisites for communicating and negotiating with others, as well as for winning their kindness and encouraging them to cooperate to reach solutions for conflicts. It also helps negotiating parties to set up stronger relations based on mutual respect of rights and obligations.

On the contrary is arrogance, which prevents the negotiators from achieving the desired results, because arrogance stands as an obstacle in the way of communication. In the Glorious Koran, many verses recommend modesty and condemn arrogance. Allah (HBG) tells Prophet Mohammed (PBUH), ﴿And lower thy wing to the Believers who follow thee.﴾⁵⁶, and He says, ﴿Nor walk on the earth with insolence: for thou canst not rend the earth asunder, nor reach the mountains in height.﴾⁵⁷. He also says, ﴿"And swell not thy cheek (For pride) at men, nor walk in insolence through the earth: for Allah loveth not any arrogant boaster﴾⁵⁸.

At the same time, Allah (HBG) praises modest people, who do not seek mightiness on earth, and promised them of Paradise. He says in the Glorious Koran, ﴿That House of the Hereafter We shall give to those who intend not high-handedness or mischief on earth: and the End is (best) for the righteous.﴾⁵⁹. At the same time, He threatened those who are too proud to worship Allah (HBG) with hellfire, ﴿And your Lord says: "Call on Me; I will answer your (Prayer): but those who are too arrogant to serve Me will surely find themselves in Hell, in humiliation!"﴾⁶⁰.

Prophet Mohammed (PBUH) also tells the Muslims to avoid arrogance or pride saying, “Anyone who has a bit of pride in his heart as small as a mustard seed will be turned over his face in hellfire”. He also said, “While a man walking in an outfit admiring himself, swaggering in his steps, Allah caused the earth to swallow him up and he remained sinking down till doomsday”⁶¹. He confirms the significance of humbleness in many of his sayings, of which are: “Allah has revealed to me that you should be modest so that no one boasts at the other, and no one transgresses against the other”. He condemned the arrogant and self-

conceited saying, “Would I tell you about the inhabitants of hellfire? They are every cruel, tough, and arrogant person”.

He also said, “Three kinds of humans who Allah would not speak to or purify or even look at in Doomsday: a fornicating old man, a deceitful king (or ruler), and an arrogant sustainer”. He said about humility and arrogance, “Blessed is the one who humbles himself for Allah’s sake without degradation, and humiliates himself without servility”. He said as well, “No one humbles himself for Allah’s sake if Allah would not raise him up”, and, “He who has an atom’s weight of pride in his heart, will not enter Paradise”⁶².

When Adiy ibn Hatim Al-Ta’ie***** came to Prophet Mohammed (PBUH), he was greatly amazed at the modesty of the Prophet when he saw him serving his guests by himself while he was the leader. It is because the Prophet wanted to show other people what Islamic ethics are. He did the same with the delegation of Al-Najashi (the Negus), the king of Abyssinia.

Imam Ali bin Abi Talib emphasized the importance of humbleness of the leader with people when he appointed Mohammed bin Abi Bakr as his agent, telling him, “Lower yourself to them with modesty. Be kind to them, and in good spirits, and deal with them on equal terms, so that the great ones will not desire more favor, and the weak will not despair of your justice. That is because Allah calls you, o worshippers of Allah, to account on every deed, little or great, explicit or implicit. If He tortures you, it is you who are the unjust, and if He forgives, then He is the most generous”⁶³.

Accordingly, negotiators have no right to be arrogant in negotiation, because the opposite parties are like them in being human, and they have rights that are as important.

12. Patience, Forbearance, and Self-Control

Negotiators should be patient, forbearing, and have the ability to control themselves when provoked. At the same time, they have to expect others to make mistakes or blunders, and thus be ready to deal with the situation very calmly. For that reason, the Glorious Koran contains many verses in which Allah (HBG) tells people to be patient and forbearing, such as when Allah (HBG) says ﴿O my son! establish regular prayer, enjoin what is just, and forbid what is wrong; and bear with patient constancy whatever betide thee; for this is firmness (of purpose) in (the conduct of) affairs.﴾⁶⁴. Allah (HBG) confirms that with patience, there will be no loss, but things will end up with hope, ﴿By (the Token of) Time (through the Ages), * Verily Man is in loss, * Except such as have Faith, and do righteous

deeds, and (join together) in the mutual teaching of Truth, and of Patience and Constancy. ﴿٦٥﴾.

Allah (HBG) promises patient persons of His kindness and mercy, and He will drive away their sadness, relieve them, and make them triumph over their opponents. He will also reward them for their forbearance and self-control.

In many verses of the Koran, Allah (HBG) tells Prophet Mohammed (PBUH) about the forbearance of the prophets and messengers who preceded him, so that he would not feel sad and distressed when Quraish hurt him while he was inviting people for Islam. Allah (HBG) also tells the Prophet (PBUH) that he, as well as all believers, must be patient, ﴿O ye who believe! Seek help with patient Perseverance and Prayer: for Allah is with those who patiently persevere.﴾⁶⁶. Imam Ali bin Abi Talib showed the importance of patience saying, “Hold to patience, because patience to faith is like the head to the body, a body is no good if the head is missing, and faith is no good without patience”⁶⁷.

Negotiators have to know very clearly that negotiating with others requires understanding, forbearance, and self-control, in order not to be disturbed or distressed by their unnecessary remarks or unpleasant acts. It is because desired results could not be attained except by enduring undesired things. Prophet Mohammed (PBUH) says, “Paradise is surrounded by the reprehensible desires”. The Arab poet says in this regard:

I got used to fits of distress until I was familiar with it,
And the bitterness of nights bequeathed me to patience.
My chest widened by too much harm to accept harm,
While oftentimes I used to feel distressed.

It is worth mentioning that individual's capacity for self-control and forbearance varies according to different situations. Some individuals feel irritated when they confront annoying situation, and some control themselves and deal with the situation with tolerance and patience, trying to find justifications and excuses to offensive acts. The Arab poet says:

Try to feel prudence in all matters, never
Make a hasty act to a person, one day.
And if you were disturbed by a person not moral,
Make as if you did not hear, nor did he say.

Because patience is important when dealing with problems, Prophet Mohammed (PBUH) used to tell his companions to be patient and tolerant. He confirms this by a prayer he always repeated saying, “O

God, enrich me with knowledge, bless me with forbearance, honor me with piety, and adorn me with healthiness". He also said to one of his companions, when the latter asked the Prophet (PBUH) to tell him about an act that may deliver him to heaven, "Do not be angry and you go to Paradise." He also praised one of his companions telling him, "You have two good traits that Allah likes in a human: forbearance and patience".

An example of the Prophet's patience is that when he did not ask Allah (HBG) to punish those who did him great harm, offended him, and called him lunatic, while he was able to ask Him to destroy them for their sins as the earlier messengers and prophets did before. On the contrary, he asked Allah (HBG) to bestow his mercy on them perchance they believe in him and be saved of destruction. He, therefore, used to pray saying, "O God, forgive my people because they are ignorant"⁶⁸.

Forbearance is considered part of good ethics that any sensible human should have. The old saying in praise of forbearance says, "Anyone who forbears will be the one who dominates", and, "Forbearance is the chief of morals", because the forbearing person is also forgiving, who pardons the offending person and ennobles him-/herself above the ethics of returning the act of offense with an act of offense. For that reason, the Arab poet asks God to make him patient, saying:

O, truly that one's forbearance is the noblest trait
The forbearing would be proud of when boasting.

So, o God, grant me forbearance, for I
See not a noble person regrets having it.

To sum up, negotiators must possess patience and forbearance throughout negotiations, and endure any offending remarks the opposite parties may make, in order to be able to attain desired goals. At the same time, this would make the negotiators win the favor of the opposite parties, on condition that those parties would not go too far in their offenses, and should themselves learn how to forbear.

13. Preserving the Dignity of Opposite Parties

Negotiators have to preserve the dignity, and respect the integrity, of opposite parties throughout negotiations, if those parties desire to carry on the talks to the end. Therefore, negotiators should avoid anything that may cause the other side to feel overpowered or defeated in the talks, in

order not to let them seek retaliation, and resort to the manner by which they can defeat others.

Prophet Mohammed (PBUH) was trying to preserve the dignity of his opponents in all occasions. When Abu Sufyan converted to Islam, which to him was a kind of condescension being one of the masters of Mecca, Prophet Mohammed (PBUH) said, “Anyone who enters the house of Abu Sufyan is secure”. It is because the Prophet (PBUH) did not want Abu Sufyan to have any sense of humiliation in front of other Muslims who were below his social rank, especially in front of Quraish, as he was from another tribe. If so, Abu Sufyan may regret his conversion, and might turn to the old hostility to Islam and the Muslims.

Another instance was that when Prophet Mohammed (PBUH) praised the masters of the Arabic tribes when they all converted in front of other Muslims saying, “Pre-Islamic elites are also Islamic elites”. Also when the Persian youth Salman came to Arabia and became a devoted Muslim and supported the religion, the Prophet (PBUH) said, “Salman is one of us, my household” because Salman was a stranger who did not have relatives there. The Prophet (PBUH) wanted by these instances to establish a tradition of honoring the opponents when they change their attitudes and behavior for the better. The following are the manner by which one could preserve the dignity of opponents:

- To enable opposite parties to withdraw from negotiations while making them believe that they have withdrawn by themselves.
- To ignore the statements of the opposite parties in which they confirm that their outlook is absolute and indisputable when they make real concessions.
- To give the opposite parties necessary information that helps them to justify change in their attitudes.
- To make insignificant concessions to opposite parties, yet declaring that those concessions are made along with concessions made by the opposite side.
- To proclaim that the opposite parties have made concessions voluntarily, or to conceal the concessions they have made.
- To let the opposite parties tell other sides that they were able to achieve desired results or success in negotiation even if they had not achieved that. This manner was practised by former British Prime Minister, Benjamin Disraeli when he refused to offer the reward one of his assistants requested, and told him to tell others that he was offered the reward but refused to receive it⁶⁹. However,

this contradicts Islamic ethics because it is based on deception or falsehood.

The responsibility of preserving the dignity of opposite parties in negotiation falls on the party that succeeds in the talks. Moreover, that party has to enable the opposite side to achieve some advantages whether financial or otherwise, just to encourage their future cooperation.

Unfortunately, Muslims these days are ignorant as to Islamic ethics of negotiation when they carry out any talks or discussions with opponents of Islam. In this way, they have caused great harm to Islam and to themselves in this regard. They have left the non-Muslims with a bad impression about Islam. They also failed to introduce this religion, its characteristics, ethics, and advantages of applying it to life. Therefore, a great damage was caused since they could not attain the goals they seek to achieve through their relationships with others.

As a result, Muslims should do their utmost, in this time and the time to come, to develop their potentials and skills for talks and negotiation with opponents. They must know how to respect others and different opinions, as well as rights of others, in order to refute all allegations and charges made against Islam, such as terrorism, intimidation of non-Muslims in Muslim societies, oppression, polygamy, and fighting science and creativity.

14. Good Surmise of Opposite Parties

One's opinion of others falls between two categories, like the negative and positive, it comes between suspicion and assurance. In Islamic discipline, surmises are of four kinds, as follows⁷⁰:

1. forbidden or prohibited surmises
2. permissible surmises
3. commanded surmises
4. recommended surmises

a. Forbidden or Prohibited Surmises

It is suspicions about Allah (HBG), and mistrust of the Prophet and the principles of Islam, as well as suspicion of others. This kind of surmise is forbidden in Islam. Allah (HBG) also prohibits spying on others to know the hidden, since one is going to look at the outward and

neglect the concealed. Prophet Mohammed (PBUH) told one of his companions, “Three matters haunt my people: augury of evil, envy, and mistrust”. The companion asked, “And what would remove them?” The Prophet (PBUH) replied, “When you envy seek forgiveness, when you suspect do not inspect, and when you foretell evil omen, go ahead in your way and never say a word or talk about it, say what is good only. Then Allah will recover your deeds and forgive your sins. Conceal your doubts make your chest the grave of suspicion, and do not tell anybody about them, it may be that Allah cures your heart from mistrust”⁷¹.

This kind of mistrust has negative effects on suspicious persons, since they would be living in continuous anxiety and sense of dread of those with whom they deal. It also has a disadvantage on the efficiency and mental and physical conditions of suspicious persons, as well as on their social and economic position.

b. Permissible Surmises

It is that in which nobody would be accused in his/her intentions. This happens when, for instance, one is not sure about how many times (s)he made the bowing when performing prayer. The doubtful person may try to recollect or do according to what (s)he supposes, and this is allowed. Then again, (s)he may leave doubts and mend the error not according to doubts, but to what (s)he becomes sure of, and both are permitted.

c. Commanded Surmises

It is that by which one has good judgment or opinion of Allah (HBG), His Prophet, the principles of Islam, and the fellow humans. Prophet Mohammed (PBUH) says, “No one of you should die without having good surmise of Allah”. That is to trust Allah (HBG) as forgiving and merciful. This kind of confidence involves faith and trust in Allah (HBG), and acting according to His Divine Law and the Tradition of His Prophet.

d. The Recommended Surmises

This kind of surmises is applied at the implementation of certain issues for which there is no definite textual ruling or proof. That is, giving a legal judgment or decision depends on reasoning and analytical thought, which may involve acting according to surmises, in such cases as detecting the direction of the Qiblah (the direction to turn to in prayer), amount of alimony of divorced woman, felonies, and compensation of injuries, and others.

Reasons of Mistrust

The fact behind mistrust and suspicion is that a person may imagine things in other persons that do not actually exist, without having any evidence or proof for those doubts.

The reasons behind suspicion could be weak faith in Allah (HBG), lack of self-confidence and trust of others, sense of inferiority – when a person thinks that (s)he is of less importance than others, or desire to retaliate. Another thing is that evil and wicked persons look for defects and shortcomings of other people; they form unfavorable opinions of them, and see in others the reflection of their own wickedness. The old wisdom says, “If a person’s deeds are bad, his surmises of others are bad too”. However, mistrust could be a result of unawareness and lack of knowledge, as Allah (HBG) tells in the Koran, ﴿But most of them follow nothing but fancy: truly fancy can be of no avail against Truth. Verily Allah is well aware of all that they do.﴾⁷².

Prophet Mohammed (PBUH) emphasizes the avoidance of suspicion and unfavorable opinions of others when he says, “Be wary of bad opinions because bad opinions is the falsest discourse”, because it ruins both suspicious and suspected, and both would not be able to have good mutual relations. Suspecting person will be making charges against the innocent, which may cause the innocent to develop suspicion, and, consequently, there will be lack of human communication. Other appalling effect of mistrust is undue confidence in the self of suspicious person while doubting intentions of others, which is kind of justifying one’s wicked acts, which Allah (HBG) forbids, ﴿Therefore justify not yourselves: He knows best who it is that guards against evil.﴾⁷³.

Favorable Surmise

Having a good opinion of others is considered part of the ethics of Islamic discipline. Without good opinion of others, there will be no good relations among individuals, and they will not be able to perform their duties and daily transactions competently. Moreover, there will be no human communication among individuals in order to attain goals in accordance with Islamic Law. Thus, Omar bin Al-Khattab confirms the importance of having good opinion of others when he said, “Do not think of a word uttered by your brethren but what is good, as long as you find in goodness a probability for it”⁷⁴.

Accordingly, negotiators have to have good opinion of opposite parties, and trust them as much as possible, or try to avoid suspicion as much as possible, in order for negotiations to be conducted in encouraging atmosphere of tolerance and kindness. Yet, if an act bears

two implications, one is that of being good, and the other of being nothing but wicked, then the possibility of being good must be favored over the wicked, because one should not give one's own judgment of the intentions of other people.

However, one has to be cautious, cunning, and perceptive, and leaves innermost intentions of others to the judgment of Allah (HBG), Who is alone the Omniscient, and tries to find excuses that may justify the acts of others. In this regard, the Islamic scholar, Ibn Serene says, "If you come to know something about your brethren, then find an excuse for him (her), and if you could not find, then say to yourself: perhaps (s)he has an excuse that I do not know". Thus, negotiators who try to find justifications for the acts of opposite parties spare themselves the troubles of suspicion⁷⁵.

It should be mentioned here that favorable opinion relieves tension and worry, while suspicion causes much anxiety and apprehension, and leads to stress and exhaustion.

15. Fulfillment of Covenant

Agreements that result from negotiations represent a pledge the negotiators take on themselves, and they have to fulfill it in the best way possible, in order to attain desired goals, which are to end conflicts, and solve problems. Thus, negotiation ethics in Islamic discipline emphasize the importance of fulfilling the pledge according to Allah's (HBG) commands in the Glorious Koran, ﴿and fulfil (every) engagement, for (every) engagement, will be enquired into (on the Day of Reckoning)﴾⁷⁶.

Allah (HBG) has highly praised this act of honoring the covenant so much as to make it an attribute of the prophets and messengers, whom He credited by choosing them to deliver his messages to humanity. Allah (HBG) says in the Koran, ﴿and who is more faithful to his Covenant than Allah? Then rejoice in the bargain which ye have concluded: that is the achievement supreme.﴾⁷⁷, and, ﴿And of Ibrahim who fulfilled his engagements,﴾⁷⁸.

In addition, fulfilling the covenant is a trait of those whom Allah (HBG) considers as His friends, and of the pious and righteous, whom He loves and admits into His grace in this life and the hereafter. Allah (HBG) says, ﴿Those who fulfill the Covenant of Allah and fail not in their plighted word﴾⁷⁹, and ﴿Nay, those that keep their plighted faith and act aright, verily Allah loves those who act aright.﴾⁸⁰. Moreover, honoring the covenant

requires courage, resolve and sacrifice, as well as restraining the self from desires.

On the other hand, breaking vows is disgraceful in this life and the hereafter, since the persons who break their vows are going to lose trust and cooperation of opposite parties. They will also lose Allah's (HBG) favor, because breaking the covenant is an act of betrayal for which Allah (HBG) calls to account⁸¹. Therefore, Allah (HBG) considers those who break the covenant as losers, He says, ﴿Those who break Allah's Covenant after it is ratified, and who sunder what Allah has ordered to be joined, and do mischief on earth: these cause losses (only) to themselves.﴾⁸².

CHAPTER NINE

THE NEGOTIATIONS OF THE MESSENGERS OF INFLEXIBLE PURPOSE

The Glorious Koran gives examples of negotiations which were conducted between Allah the Almighty (HBG) and humankind through the prophets and messengers. Following are the elements of those negotiations:

First Party

The first party is Allah Almighty (HBG), Who gives life and death, the Free of all want, the Sustainer, His are all things in the heavens and on earth, Who has power to do everything, and Who has power to remove the second party and put in their place a new creation.

Second Party

The second party is people or humankind whom Allah (HBG) created and who will be brought back to Him, who have need of Allah (HBG), of whom are the believers, the infidels, the polytheists, the hypocrites, those who go astray, and those who disobey the commands of Allah (HBG).

Negotiation Issue

The issue of negotiation is to persuade the second party to renounce wrongdoing and believe without coercion in Allah (HBG), his Angels, the Revealed Books, the Messengers, and destiny whether good or bad, and to act according to His divine Law. Allah (HBG) says in the Koran, ﴿Let there be no compulsion in religion: Truth stands out clear from Error: whoever rejects Evil and believes in Allah hath grasped the most trustworthy hand-hold, that never breaks. And Allah heareth and knoweth all things.﴾¹. This confirms that the issue of faith is optional not coercive, and believing in it must be based on knowledge and perception. Allah (HBG) sent the Prophets and Messengers to deliver the message of faith to humanity, and to explain it to them in a simple manner and in their own mother tongues, so that it be comprehended. This has been emphasized in the Koran when Allah (HBG) says, ﴿We sent not a Messenger except (to teach) in the language of his (own) people, in order to make (things) clear to them. Now Allah leaves straying those whom He pleases and guides whom He pleases: and He is Exalted in Power, Full of Wisdom﴾².

Envoys of the First Party

Those are the Prophets and Messengers of Allah (HBG) whom He chose from among people as the best of them, Allah (HBG) says in the Glorious Koran, ﴿Allah chooses Messengers from angels and from men for Allah is He Who hears and sees (all things).﴾³. Allah (HBG) sent them to people so that they would have no plea against Him. Their mission was to deliver, explain, and make clear Allah's (HBG) Law and to give good tidings to those who believe and do righteous deeds according to that Law, of all-good in this life and in the life after. At the same time, they warn those who withstand the Law against torture in hellfire, Allah (HBG) says, ﴿Messengers who gave good news as well as warning, that mankind, after (the coming) of the Messengers, should have no plea against Allah: for Allah is Exalted in Power, Wise.﴾⁴.

Allah (HBG) has provided his Prophets and Messengers with miracles, supported them, and made them triumph. He told the Messengers to deliver His messages in a gentle and affectionate way, Allah (HBG) says, ﴿Go, both of you to Fir'aun, for he has indeed transgressed all bounds; * But speak to him mildly; perchance he may take warning or fear (Allah)﴾⁵. He (HBG) also says, ﴿Invite (all) to the Way of thy Lord with wisdom and beautiful preaching; and argue with them in ways that are best and most gracious: for thy Lord knoweth best, who have strayed from His Path, and who receive guidance.﴾⁶.

Traits of the Messengers of Inflexible Purpose

The Messengers of Inflexible Purpose* were distinguished by their persistence and their determination or firm will to deliver the messages of Allah (HBG) to humans. They were also unique in certain qualities that nobody else possesses. So, as the Glorious Koran tells, Prophet Noah (PBUH) was a thankful and grateful devotee, ﴿O ye that are sprung from those whom We carried (in the Ark) with Nuh! verily he was a devotee most grateful.﴾⁷, Prophet Abraham (PBUH) was the Friend of Allah (HBG), ﴿Who can be better in religion than one who submits his whole self to Allah, does good, and follows the way of Ibrahim the true in faith? For Allah did take Ibrahim for a friend.﴾⁸, Prophet Moses (PBUH) was the Direct Speaker to Allah (HBG), ﴿Of some Messenger We have already told thee the story; of others We have not, and to Musa Allah spoke direct.﴾⁹, and Prophet Jesus (PBUH) was the Spirit of Allah (HBG), ﴿O People of the Book! commit no excesses in your religion: nor say of Allah aught but the truth. Al-Masih 'Isa the son of Maryam was (no more than) A Messenger of Allah, and His Word, which He bestowed on Maryam, and a Spirit proceeding from Him: so believe in Allah and His Messengers﴾¹⁰.

As for Prophet Mohammed (PBUH), he is described as possessing the highest moral standards, ﴿And thou (standest) on an exalted standard of character﴾¹¹, therefore he was sent to all humanity, ﴿We have not sent thee but as a universal (Messenger) to men, giving them glad tidings, and warning them (against sin), but most men understand not.﴾¹². He is the Seal (the last) of the Prophets, ﴿Muhammad is not the father of any of your men, but (he is) the Messenger of Allah, and the Seal of the Prophets: and Allah has full knowledge of all things.﴾¹³. He was the mercy of Allah (HBG) to humanity because Allah (HBG) sent him to enjoin what is right and forbid what is wrong, and to permit what is good and pure and prohibit what is bad and impure, Allah (HBG) says, ﴿We sent thee not, but as a mercy for all creatures.﴾¹⁴.

Moreover, Prophet Mohammed (PBUH) did not ask Allah (HBG) to punish those of his people who did not heed to his call to believe in Allah, as the other prophets did. Therefore, he says about himself, “O fellow humans, truly that I am a mercy bestowed upon you”¹⁵. His presence among his people is safety to them, which never happened to other people who were punished though their prophets were with them. Allah (HBG) says in the Glorious Koran, ﴿But Allah was not going to send them a Penalty whilst thou wast amongst them; nor was He going to send it whilst they could ask for pardon.﴾¹⁶.

The present chapter studies and analyzes the negotiations of the Prophets of Inflexible Purpose: Prophet Noah (PBUH), Prophet Abraham (PBUH), Prophet Moses (PBUH), and Prophet Jesus (PBUH). As for the negotiation of Prophet Mohammed (PBUH), it is to be discussed in detail in chapter ten.

Negotiations of Prophet Noah (PBUH)

The Glorious Koran tells that Allah (HBG) sent Prophet Noah (PBUH) to a pagan nation to call them to worship Allah (HBG) alone, and worship no other idols. However, no one paid attention to him, and most of people went on in worshipping the idols, asking them to bring good and ward off evil. They also ascribed things to those lifeless statues, giving them names such as Wadd, Suwa, Yaguth, Ya'uq, and Nasr¹⁷. Yet, Prophet Noah (PBUH) continued in his mission day and night, in secret and in public, at times arousing their interest, and frightening them at other times, giving them good tidings of the mercy of Allah (HBG) if they believed, and warning them against Allah's (HBG) wrath if they did not. Nevertheless, they did not believe and they ridiculed him and those who believed in him¹⁸.

Prophet Noah's (PBUH) people went too far in tormenting Prophet Noah (PBUH). They declared their enmity to him, ridiculed him and those who believed in his message, and threatened with pelting of stone and expelling him out of the city. All through that long time he stayed with them, they accused him of a strayed mind¹⁹. Yet Prophet Noah (PBUH) answered them, ﴿He said: "O my people! no wandering is there in my (mind): on the contrary I am a Messenger from the Lord and Cherisher of the Worlds!﴾²⁰, but they insisted on their opinion of him and on disbelieving him. Therefore, Allah (HBG) ordered Prophet Noah (PBUH) to construct an ark whereon he and his followers, and all those who believed his message should go, in order to be saved from the deluge. Allah (HBG) was to punish those who did not believe Prophet Noah (PBUH) and his message, accused him of lying, and derided him, by

drowning in a deluge, which would result from tremendous amounts of rain to fall on earth, as well as from springs of water to burst out.

Prophet Noah (PBUH) was sad when he realized that his son was among those who did not believe in Allah (HBG) and was to drown with the infidels. He wished his son would be among those who were to be saved. However, his son refused to go on board and insisted on disobeying his father, and thought that if he would resort to some mountain he would be safe, ﴿The son replied: "I will betake myself to some mountain: it will save me from the water." Nuh said: "This day nothing can save, from the Command of Allah, any but those on whom He hath mercy!" and the waves came between them, and the son was among those overwhelmed in the Flood.﴾²¹. However, he grieved when he knew that his son was to drown and die, so he prayed to Allah (HBG) to save him. Allah (HBG) did not want Prophet Noah (PBUH) to grieve, and told him that his son was not of his family because he was not a believer, ﴿He said: "O Nuh! he is not of thy family: for his conduct is unrighteous. So ask not of Me that of which thou hast no knowledge! I give thee counsel, lest thou act like the ignorant!"﴾²².

Miracles of Prophet Noah (PBUH)

The miracle of Prophet Noah (PBUH) was his being rescued with his followers from drowning in that gigantic deluge, as Allah (HBG) says in the Koran, ﴿But they rejected him, and We delivered him, and those with him in the Ark: but We overwhelmed in the Flood those who rejected Our Signs. They were indeed a blind people!﴾²³, and ﴿They rejected him, but We delivered him, and those with him, in the Ark and We made them inherit (the earth), while We overwhelmed in the Flood those who rejected Our Signs, Then see what was the end of those who were warned (but heeded not)!﴾²⁴.

Lessons of the Negotiations of Prophet Noah (PBUH)

The negotiations between Prophet Noah (PBUH) and his people are considered the longest negotiations in human history. They lasted for many centuries, yet he was not able to attain all desired goals, because only a few people were convinced in his message and believed him. Those negotiations show the following:

1. Negotiators have to provide the first side who delegate them, with information that reveals their achievement during the talks. Prophet Noah (PBUH) told Allah (HBG) that he acted as required of him, ﴿He said: "O my Lord! I have called to my People night and

- day: ﴿٢٥﴾, and, ﴿"So I have called to them aloud; * "Further I have spoken to them in public and secretly in private, ﴿٢٦﴾.
2. Negotiators have to make clear to the second party the advantages they may get if they would change their attitudes. Prophet Noah (PBUH) told his people about the advantages of believing in Allah (HBG), ﴿Ask forgiveness from your Lord; for He is Oft-Forgiving; * "He will send rain to you in abundance; * "Give you increase in wealth and sons; and bestow on you gardens and bestow on you rivers (of flowing water). * "What is the matter with you, that ye place not your hope for kindness and long-suffering in Allah, * "Seeing that it is He that has created you in diverse stages? ﴿٢٧﴾.
 3. Delegated negotiators have to tell the first party about attitudes, behavior, and opinions of the second party, to make things clear to them. That is why Prophet Noah (PBUH) gave a good account of the attitude of his people towards his message, and told Allah (HBG) about their acts, he said (as the Glorious Koran tells), ﴿Nuh said: "O my Lord! They have disobeyed me, but they follow (men) whose wealth and children give them no Increase but only Loss. ﴿٢٨﴾. He also told Allah (HBG) ﴿And every time I have called to them, that Thou mightest forgive them, they have (only) thrust their fingers into their ears, covered themselves up with their garments, grown obstinate, and given themselves up to arrogance. ﴿٢٩﴾, and, ﴿They have already misled many, and grant Thou no increase to the wrong-doers but in straying (from their mark).﴾ ﴿٣٠﴾.
 4. The first party should provide their envoys with information about the second party to enable them to know about them and the way of dealing with them when they conduct the talks. Allah revealed to Prophet Noah (PBUH) that few people only were to believe in him so that he would not despair and be distressed, ﴿But only a few believed with him﴾ ﴿٣١﴾.
 5. The first party is responsible for supporting their envoys against the second party. Allah (HBG) ordered Prophet Noah (PBUH) to construct the ark to save him and the believers from the deluge, ﴿So We inspired him (with this message): "Construct the Ark within Our sight and under Our guidance: then when comes Our command, and the fountains of the earth gush forth, take thou on board pairs of every species, male and female, and thy family - except those of them against whom the Word has already gone forth - and address Me not in favour of the wrong-doers; for they shall be drowned (in the Flood).﴾ ﴿٣٢﴾.
 6. Negotiators have to be patient and to tolerate moral and physical harms that may be caused by opponents. Prophet Noah (PBUH)

endured the ridicule and scorn of his people. They used to tell him, when they saw him constructing the ship on land far away from water, “O, Prophet Noah (PBUH), once you said you were a prophet and messenger, then you became a carpenter, did you denounce prophethood for carpentry!?” They also mocked him saying, “Why do you build your ship away from the rivers and the sea? Would you get bulls to drag it or the wind to lift it up?”³³

7. Negotiator should suggest to the first party procedures that could be followed against the second party in the light of the negotiation outcome. Prophet Noah (PBUH) asked Allah (HBG) to punish those who insisted on defying him. Allah (HBG) acted in response to Prophet Noah’s (PBUH) request and drowned the infidels, ﴿And Nuh said: “O my Lord! Leave not of the Unbelievers, a single one on earth! * “For, if Thou dost leave (any of) them, they will but mislead Thy devotees, and they will breed none but wicked ungrateful ones﴾³⁴.
8. Negotiators have to continue their attempt to convince the second party of the negotiation issue, no matter how long time it may take. The Glorious Koran shows that Prophet Noah (PBUH) went on in his mission for too many years trying to convince his people to believe. However, only few of them heeded to his call. He could have asked Allah (HBG) to destroy them earlier, but Allah’s (HBG) purpose was to make Prophet Noah (PBUH) persist in his attempts so that to test his endurance and forbearance, as well as his suffering all through the years. It is a lesson to those who seek to attain certain goals to endure and not to despair no matter how long they suffer.

Negotiations of Prophet Abraham (PBUH)

Prophet Abraham (PBUH) started his life setting his face firmly and truly to the Maker of the heavens and the earth. Allah (HBG) chose Prophet Abraham (PBUH) above others, and revealed to him the “Books of Abraham”. He used to contemplate the powers and the laws of the skies and the earth, looking for a sign that would show him the grandeur of Allah (HBG), His excellence and purity of all traits of imperfection. Allah (HBG) had bestowed on Prophet Abraham (PBUH) rectitude of conduct from the early years of his life, then sent him a messenger, and took him for a friend. The Glorious Koran says, ﴿Who can be better in religion than one who submits his whole self to Allah, does good, and follows the way of Ibrahim the true in faith? For Allah did take Ibrahim for a friend.﴾³⁵. Allah (HBG) also described him as a model of good conduct, ﴿Ibrahim was indeed a model, devoutly obedient to Allah, (and) true in faith, and he joined not gods with Allah.﴾³⁶. This means that he was an example of a

person who combined all good ethics and the best of traits, a leader to be followed, and an obedient person who was true in faith³⁷.

Allah (HBG) honored Prophet Abraham (PBUH) with great descendants, and made prophethood in his offspring, that all prophets and messengers who came after him were his descendants, and all nations seek the blessings of those descendants. Thus, the Jews and the Christians are the descendants of his son, Isaac, and Prophet Mohammed (PBUH) was the descendant of Ishmael.

Prophet Abraham (PBUH) rejected worshipping of idols, which his people practiced, and he told his people, including his father, that their practices were wrong. First, he made an effort, very gently, to convince his father to leave those idols, and to worship Allah (HBG), the only God, ﴿Behold, he said to his father: "O my father! why worship that which heareth not, and seeth not and can profit thee nothing?"﴾³⁸. He told his father, and other people, that those idols did not hear or see, and could not bring them good or protect them against evil. Thus, it was futile to worship them, and that would only cause them great harm, ﴿Behold, he said to his father and his people: "What worship ye?" * They said: "We worship idols, and we remain constantly in attendance on them." * He said: "Do they listen to you when ye call (on them), * "Or do you good or harm?"﴾³⁹. However, they refused to listen to him, and they threatened and hurt him. Prophet Abraham (PBUH) wished that no harm to afflict them and no damage would be caused due to their disbelieving, and promised his father to pray for him asking Allah (HBG) to forgive him⁴⁰.

Prophet Abraham (PBUH) suffered a great deal because his father rejected to believe, and his people refused to give up their idols and gods, with the pretext that that was the religion of their ancestors. As a result, he destroyed the statues of those idols when his fellow townsmen were absent. He, nevertheless, left the biggest statue undestroyed to show them that those lifeless gods who did not speak, were unable to protect themselves, ﴿He said: "Nay, this was done by, this is their biggest one! Ask them, if they can speak intelligently"﴾⁴¹.

Later in his life, Prophet Abraham (PBUH) also suffered a lot when he saw a vision that he should slaughter his son, Ishmael, ﴿Then, when (the son) reached (the age of) (serious) work with him, he said: "O my son! I see in vision that I offer thee in sacrifice: now see what is thy view!" (the son) said: "O my father! do as thou art commanded: thou wilt find me, if Allah so wills, one practising Patience and Constancy!" * So when they had both submitted their wills (to Allah), and he had laid him prostrate on his forehead (for sacrifice),﴾⁴².

When Prophet Abraham (PBUH) found it useless to induce his obstinate people to believe in Allah (HBG), the only God, and after they

attempted against his life and tried to burn him with fire, he decided to leave his country and go to another land. Therefore, he went with his wife, Sarah, and nephew, Lut, who believed in him, to the Levant, following the orders of Allah (HBG), perchance the people there listen to him and believe in him. There, he had a very hard time; there had been draught and food shortage, so he went further to Egypt.

Then, Prophet Abraham (PBUH) left Egypt because of the oppression of its king, and went to Mecca where he left his second wife, Hagar, and his son, Ishmael, at an oasis, which was uninhabited, dry, and desolate. He gave them a sack of dates and a skin of water, and went back to Palestine. Hagar ran after him telling him many times, “O, Abraham! How would you leave us in this place?” He did not answer her until she asked him, “Is it that Allah who ordered you to leave us here?” He said, “Yes”. Then she said with a heart full of faith, “Then Allah will not abandon us”⁴³.

Among the great things he did in his lifetime was the construction of the Sacred House, Al-Ka’ba, in Mecca with the aid of his son, Ishmael, many years later. The Glorious Koran refers to that saying, ﴿And remember Ibrahim and Isma'il raised the foundations of the House (with this prayer): "Our Lord! Accept (this service) from us: for Thou art the All-Hearing, the All-Knowing﴾⁴⁴. Allah (HBG) also assigned to him and to Ishmael to sanctify the House for the people who come for prayer and perform the rituals, ﴿Remember We made the House a place of assembly for men and a place of safety; and take ye the Station of Ibrahim as a place of prayer; and We covenanted with Ibrahim and Isma'il, that they should sanctify My House for those who compass it round, or use it as a retreat, or bow, or prostrate themselves (therein in Prayer).﴾⁴⁵, also to proclaim the pilgrimage so that pilgrims would come to the Sacred House.

Miracles of Prophet Abraham (PBUH)

1. Allah (HBG) saved Prophet Abraham (PBUH) from burning in the huge fire that the infidels prepared to kill him with because he destroyed their idols, ﴿We said, "O Fire! be thou cool. and (a means of) safety for Ibrahim!"﴾⁴⁶.
2. The hand of the king of Egypt became stiff when he wanted to touch Sarah, to take her for a mistress from her husband, Prophet Abraham (PBUH). Before he approached, she prayed that he would not lay his hand on her, so when he could not do that he not only let her go back to her husband, but also gave her a maid.

3. Allah (HBG) granted him in old age a blessed son, Ishmael, from Hagar, and then another blessed son, Isaac from the old, barren wife, Sarah, ﴿Praise be to Allah. Who hath granted unto me in old age Isma'il and Ishaq: for truly my Lord is He, the Hearer of Prayer!﴾⁴⁷.
4. Allah (HBG) ransomed Ishmael with a sacrifice, as a tribute to their true faith and forbearance, ﴿Then, when (the son) reached (the age of) (serious) work with him, he said: "O my son! I see in vision that I offer thee in sacrifice: now see what is thy view!" (the son) said: "O my father! Do as thou art commanded: thou wilt find me, if Allah so wills, one practising Patience and Constancy!"﴾⁴⁸. Allah (HBG) says, ﴿And We ransomed him with a momentous sacrifice﴾⁴⁹.
5. The earth burst out with a fountain of pure and clean water as a tribute to Ishmael and in response to the prayer of Hagar when she prayed to Allah (HBG) saying, "O God, relieve us if you have relief".
6. Allah (HBG) responded to Prophet Abraham's (PBUH) request to see how Allah (HBG) rejuvenates the dead, to satisfy his understanding, and to enhance his faith and belief in life after death, when he would see with his own eyes how the dead come to life.

Lessons of the Negotiations of Prophet Abraham (PBUH)

1. Negotiators, by posing questions, can get desired information that enables them to know the goals of opposite parties, and to find out how to deal with them. Prophet Abraham (PBUH) asked his people, ﴿Behold, he said to his father and his people: "What worship ye?"﴾⁵⁰, because he wanted them to admit their error in order to refute their pretext and prescribe the treatment that would rectify it. He also asked them if their gods hear them, do them good, or if they can protect them from evil, ﴿He said: "Do they listen to you when ye call (on them), * "Or do you good or harm?"﴾⁵¹.
2. Negotiators have to realize that changing habits, thoughts, and behavior of people, to which they have been accustomed, cannot be achieved easily or quickly, because those have become part of their existence, especially when they have inherited them and practiced them for a long time. Prophet Abraham's (PBUH) people refused the new ideas and beliefs he introduced to them, which want them to abandon their gods and worship Allah (HBG). The Glorious Koran says, ﴿When it is said to them: "Come to what Allah hath revealed; come to the Messenger": they say: "Enough for us are the ways we found our fathers following." What! even though their fathers were void of knowledge and guidance?﴾⁵². It is worth

mentioning that to change an individual's set of beliefs is a very complex process, and it is sometimes impossible, particularly for individuals who live in backward societies, or for an individual advanced in age. The reason is that those beliefs have become part of an individual's life, and therefore it is very difficult to change them. In addition, individuals may refuse to change that set of beliefs because they think that it is right and anything else is wrong, or they may not have the desire to change it. Another reason could be that individuals think of the disadvantages of changing those beliefs, or perhaps they keep on them out of unreasonable contention and obstinacy.

3. Negotiators should employ all means that help to convince the opposite parties to change their thoughts and attitudes. Prophet Abraham (PBUH) deliberately smashed the statues of the idols of his people except the largest one so that they realize how they were misled and how their gods could not hear or speak or protect themselves, ﴿So he broke them to pieces (all) but the biggest of them, that they might turn (and address themselves) to it.﴾⁵³. By breaking their idols, Prophet Abraham (PBUH) was able to make his people admit their fault, that they worship worthless gods, ﴿Then were they confounded with shame: (they said) "Thou knowest full well that these (idols) do not speak!"﴾⁵⁴.
4. The negotiator has to present irrefutable proofs that would leave the opposite parties with no other alternative but to consent and admit. Prophet Abraham (PBUH) asked the king of his time, Nimrood, if he could make the sun rise from the west, because Allah (HBG) makes it rise from the east. The Nimrood was dumbfounded as he showed his ineffectiveness as a great person. Allah (HBG) says in the Glorious Koran, ﴿Hast thou not turned thy vision to one who disputed with Ibrahim about his Lord, because Allah had granted him power? Ibrahim said: "My Lord is He Who giveth life and death." He said: "I give life and death." Said Ibrahim: "But it is Allah that causeth the sun to rise from the East do thou then cause him to rise from the West?" Thus was he confounded who (in arrogance) rejected Faith. Nor doth Allah give guidance to a people unjust.﴾⁵⁵.
5. Negotiators should not disapprove of, mock, or reject the beliefs of opposite parties from the very outset of the talks. Instead, they have to stimulate opposite parties to listen to their opinions and proofs that could help in making them change their viewpoints and attitudes. This same point made Prophet Abraham (PBUH) not announce his rejection of the beliefs and convictions of his people from the beginning, rather, he made them listen and see the proofs

that he gave in order to refute their evidence. Allah (HBG) says in the Glorious Koran, ﴿Lo! Ibrahim said to his father Azar: "Takest thou idols for gods? For I see thee and thy people in manifest error." * So also did We show Ibrahim the power and the laws of the heavens and the earth, that he might (with understanding) have certitude. * When the night covered him over, he saw a star: he said: "This is my Lord." But when it set, he said: "I love not those that set." * When he saw the moon rising in splendour, he said: "This is my Lord." But when the moon set, he said: "Unless my Lord guide me, I shall surely be among those who go astray." * When he saw the sun rising in splendour, he said: "This is my Lord; this is the greatest (of all)." But when the sun set, he said: "O my people! I am indeed free from your (guilt) of giving partners to Allah.﴾⁵⁶.

Negotiations of Prophet Moses (PBUH)

Before the birth of Prophet Moses (PBUH), the Israelites suffered from oppression of the Pharaoh in Egypt. That oppression became worst when the Pharaoh decreed that any male infant to be born to the Israelites should be killed immediately. During that time Prophet Moses (PBUH) was born. His mother fostered him for three months, but feared the agents of the Pharaoh who were assigned to kill infants, that they may launch their search for newborns and discover the infant Moses and kill him. Allah (HBG) inspired her with an idea that she put the infant in a wooden box and throw the box into the Nile. She did that and the Nile carried the baby to the Pharaoh's palace, which towered over the river. Prophet Moses' (PBUH) elder sister was watching and tracing the box from a distance. She saw somebody picking it up and taking it to the wife of the Pharaoh, who was childless. As the Pharaoh's wife laid her eyes on the infant, her maternal instinct moved towards the baby, and wished to take him for a son. She asked the Pharaoh not to kill him, but to keep him alive for her sake.

Prophet Moses (PBUH) grew up at the Pharaoh's house as a son. When he became a young man, Allah (HBG) endowed him with power and knowledge. He also knew from his mother and family how he was born and carried away to the palace of the Pharaoh, that he was an Israelite, and that the Pharaoh oppressed his people. Thus, he decided to help the Israelites and save them from oppression as much as he could. For that reason, the Israelites began to seek his help whenever they needed, until one day Prophet Moses (PBUH) accidentally killed an Egyptian in an attempt to help an Israelite who was quarreling with him. When the Egyptians knew that he killed one of them, they threatened to

kill him. Prophet Moses (PBUH) left Egypt after spending all his life there, frightened and anticipating evil.

Prophet Moses (PBUH) went towards the Levant and reached Median, where he found a crowd of people supplying water from a well. He saw two young women at the back trying to supply their sheep with water, but they were unable to reach the well. Prophet Moses (PBUH) went to the well and brought them water. They thanked him and told their elderly father about Prophet Moses (PBUH). The old man asked one of his daughters to go and get Prophet Moses (PBUH) to thank him for the deed. When Prophet Moses (PBUH) was introduced, he told the old man his story, the tyranny of the Pharaoh, and his flight from Egypt. The old man told him not to be sad because he was saved from injustice and oppression. Then the old man married one of his daughters to Prophet Moses (PBUH), who stayed with his in-laws working for them for ten years.

After ten years, Allah (HBG) revealed to Prophet Moses (PBUH) and ordered him and his brother, Aaron, to go to the Pharaoh, the tyrant. Prophet Moses (PBUH) returned to Egypt, with the message and with signs from Allah.

Prophet Moses (PBUH) started with his mission inviting the Pharaoh and the Egyptians to worship Allah (HBG), the only god. At that time, the Pharaoh had declared himself a god and ordered his subjects to worship him, and he made fools of them. They had obeyed and followed him blindly, fearing his tyranny and cruelty. The Glorious Koran tells of that saying, ﴿Fir'aun led his people astray instead of leading them aright.﴾⁵⁷, ﴿Thus did he make fools of his people, and they obeyed him: truly were they a people rebellious (against Allah).﴾⁵⁸, and, ﴿He will go before his people on the Day of Judgment, and lead them into the Fire (as cattle are led to water): but woeful indeed will be the place to which they are led!﴾⁵⁹. On the other hand, they were known for their skill and supremacy in magic, which they used to frighten people.

Prophet Moses (PBUH) aimed from negotiating with the Pharaoh, to persuade him to believe in Allah (HBG) and to set the Israelites free and allow them to leave Egypt. However, the Pharaoh refused both to worship Allah (HBG) and to liberate the Israelites. He, moreover, set an army to fight Prophet Moses (PBUH) and those who believed in his message, and chased them until they reached the sea. Prophet Moses' (PBUH) followers thought that the Pharaoh and his army were overtaking them, but Allah (HBG) inspired Prophet Moses (PBUH) to hit the sea with his rod to save them from the Pharaoh and to drown the Pharaoh and his army in the sea, thus making him a lesson to oppressors.

Miracles of Prophet Moses (PBUH)

1. Allah (HBG) saved Prophet Moses (PBUH) from drowning in the river when his mother put him in the box. The Glorious Koran says, ﴿So We sent this inspiration to the mother of Musa: "Suckle (thy child), but when thou hast fears about him, cast him into the river, but fear not nor grieve: for We shall restore him to thee, and We shall make him one of Our Messengers."﴾⁶⁰.
2. He was brought up at the palace of the Pharaoh who was to be his enemy years later. Allah (HBG) says, ﴿Throw (the child) into the chest, and throw (the chest) into the river: the river will cast him up on the bank, and he will be taken up by one who is an enemy to Me and an enemy to him'; but I cast (the garment of) love over thee from Me: and (this) in order that thou mayest be reared under Mine eye﴾⁶¹.
3. Allah (HBG) sent him to the Egyptians with signs that made the magicians so amazed that they believed in Prophet Moses (PBUH) immediately. He introduced a strange kind of magic that overcame their false enchantment, though they were the most skillful sorcerers of the time⁶². Allah (HBG) says in the Glorious Koran, ﴿We put it into Musa's mind by inspiration: "Throw (now) thy rod": and behold! it swallows up straightway all the falsehoods which they fake!﴾⁶³, and ﴿Now put thy hand into thy bosom, and it will come forth white without stain (or harm)﴾⁶⁴.
4. He struck the sea with his rod, which turned into land to pass with his followers, escaping the Pharaoh and his army. The sea then returned into normal state to drown the Pharaoh and his army, ﴿We sent an inspiration to Musa: "Travel by night with My servants, and strike a dry path for them through the sea, without fear of being overtaken (by Fir'aun) and without (any other) fear."﴾⁶⁵.
5. He struck the stone with his rod to make it burst with twelve springs from which his people took water to drink, ﴿And remember Musa prayed for water for his people; We said "Strike the rock with thy staff." Then gushed forth therefrom twelve springs. Each group knew its own place for water﴾⁶⁶.

Lessons of the Negotiations of Prophet Moses (PBUH)

The negotiations that Prophet Moses (PBUH) held with the Pharaoh were distinguished by difficulty and intricacy, but it ended with the triumph of Prophet Moses (PBUH) over the tyrant, aided by Allah's

(HBG) favor and power. The following are the lessons of Prophet Moses (PBUH)'s negotiations with the Pharaoh:

1. Negotiators should be prepared for the talks in a manner appropriate for the difficulty of negotiation issue, and for confronting opposite parties and their approach. Thus, Allah (HBG) prepared Prophet Moses (PBUH) and made him ready to face the Pharaoh by giving him knowledge and power, Allah (HBG) says in the Glorious Koran, ﴿When he reached full age, and was firmly established (in life), We bestowed on him wisdom and knowledge: For thus do We reward those who do good﴾⁶⁷. Allah (HBG) also gave Prophet Moses (PBUH) signs and tools by which he can face the Pharaoh, as He says in the Glorious Koran, ﴿We put it into Musa's mind by inspiration: "Throw (now) thy rod": and behold! it swallows up straightway all the falsehoods which they fake!﴾⁶⁸, and ﴿Now draw thy hand close to thy side: it shall come forth white (and shining), without harm (or stain), - as another Sign,﴾⁶⁹.
2. Negotiators have to request the parties that delegate them to support them and enforce their abilities. Prophet Moses (PBUH) asked Allah (HBG) to make the task easy for him to fulfill, to make him more enduring and clear in speech so that he be comprehended correctly, and to send with him his brother Aaron to back him up in conducting the talks with the Pharaoh. The Glorious Koran says, ﴿Musa) said: "O my Lord! expand me my breast;" * "Ease my task for me; * And remove the impediment from my speech,﴾⁷⁰, and ﴿And give me a Minister from my family, * "Harun, my brother; * "Add to my strength through him, * "And make him share my task﴾⁷¹. This shows that negotiators have to identify their abilities and potentials very objectively before launching the talks. They also have to define the amount of support they need from the party that delegates them, in order to be able to achieve negotiations competently.
3. The parties that delegate negotiators have to supply the negotiators with information that is related to the talks and the opposite parties, so that they come to have a clear view of the possibilities and manners of opposite parties. Allah (HBG) tells Prophet Moses (PBUH) about the Pharaoh, his oppression, his pride and haughtiness, and his abuse of people. Allah (HBG) says ﴿Go thou to Fir'aun, for he has indeed transgressed all bounds.﴾⁷², and ﴿Fir'aun led his people astray instead of leading them aright.﴾⁷³. He also says ﴿Thus did he make fools of his people, and they obeyed him: truly were they a people rebellious (against Allah).﴾⁷⁴.

4. Parties that delegate negotiators should support their envoys and back them up throughout negotiations, in order to enable them to reach desired goals. Allah (HBG) was with Prophet Moses (PBUH) all through, directing and encouraging him. This has been confirmed in the Glorious Koran as Allah (HBG) says, ﴿He said: "Fear not: for I am with you: I hear and see (everything).﴾⁷⁵. Allah (HBG) assisted Prophet Moses (PBUH) with all means that enabled him to fulfill the assigned mission. Of those means was that when Allah (HBG) enabled Prophet Moses (PBUH) to win over the sorcerers of the Pharaoh by miracles that looked like magic, and when saving him from drowning in the sea, ﴿Then We told Musa by inspiration: "Strike the sea with thy rod." So it divided, and each separate part became like the huge, firm mass of a mountain. * We delivered Musa and all who were with him; * But We drowned the others﴾⁷⁶.
5. Negotiators have to be kind and gentle in addressing opposite parties all through the talks. Allah (HBG) tells Prophet Moses (PBUH) and his brother that they must speak mildly to the Pharaoh, as gentleness is more effective than toughness, ﴿"But speak to him mildly; perchance he may take warning or fear (Allah)"﴾⁷⁷.
6. Negotiators have to define very clearly the goals they want to fulfill by negotiations. Prophet Moses (PBUH) told the Pharaoh that he came to invite him to believe in Allah (HBG) and to liberate the Israelites and take them with him. This is indicated in the Glorious Koran, ﴿"So go ye both to him, and say, 'Verily we are Messengers sent by thy Lord: send forth, therefore, the Children of Israel with us, and afflict them not: with a Sign'﴾⁷⁸.
7. Negotiators must avoid talking about things of which they lack knowledge. That is why Prophet Moses (PBUH) steered clear of answering the Pharaoh's question about bygone nations, ﴿(Fir'aun) said: "What then is the condition of previous generations?" * He replied: "The knowledge of that is with my Lord, duly recorded: my Lord never errs, nor forgets'﴾⁷⁹.
8. Negotiators have to identify very accurately the attitude of opposite parties, and inform the party that delegates them about it objectively. Prophet Moses (PBUH) told Allah (HBG) that the Pharaoh declined vehemently all evidences and proofs presented to him. This has been stated in the Koran, ﴿And We showed Fir'aun all Our Signs, but he did reject and refuse.﴾⁸⁰.
9. It is preferable that negotiations are to be made public so that its results be effective for larger number of people. Prophet Moses

(PBUH) wanted the meeting with the magicians to be public and witnessed by all people in the festival day, ﴿"But we can surely produce magic to match thine! so make a tryst between us and thee, which we shall not fail to keep - neither we nor thou - in a place where both shall have even chances." * Musa said: "Your tryst is the Day of the Festival, and let the people be assembled when the sun is well up."﴾⁸¹.

10. It is necessary that opposite parties should be informed about disadvantages of their refusal of evidences and proofs presented by negotiators. Prophet Moses (PBUH) explained to the Pharaoh that Allah (HBG) would torture those who deny facts, ﴿"Verily it has been revealed to us that the Penalty (awaits) those who reject and turn away."﴾⁸².

11. The vigor of evidences and proofs the negotiators hold plays a vital role in obliging those who assist opposite parties to change their attitudes and may even abandon the parties they support. This is exactly what happened to the magicians of the Pharaoh, whose support he sought, and who turned against him and believed in Prophet Moses (PBUH) when they saw his proofs, as Allah (HBG) says in the Koran, ﴿So the magicians were thrown down to prostration: they said, "We believe in the Lord of Harun and Musa"﴾⁸³.

They, moreover, showed their readiness to bear retribution with which the Pharaoh threatened them if they believed, and they told him, ﴿(Fir'aun) said: "Believe ye in Him before I give you permission? Surely this must be your leader, who has taught you magic! be sure I will cut off your hands and feet on opposite sides, and I will have you crucified on trunks of palm-trees: so shall ye know for certain which of us can give the more severe and the more lasting Punishment!" * They said: "Never shall we regard thee as more than the Clear Signs that have come to us or than Him Who created us! so decree whatever thou desirest to decree: for thou canst only decree (touching) the life of this world."﴾⁸⁴.

The magicians abandoned the Pharaoh in spite of the advantages and rewards he promised them, and believed in Prophet Moses (PBUH) and followed him willingly, when they realized that the reward of Allah (HBG) was better and everlasting. Allah (HBG) says in the Glorious Koran, ﴿For us, we have believed in our Lord: may He forgive us our faults, and the magic to which thou didst compel us: for Allah is Best and Most Abiding"﴾⁸⁵.

12. It is necessary that negotiators admit the transgressions they have done in previous times, in order to show their good intentions and honesty, as well as readiness to bear responsibility. That was what made Prophet Moses (PBUH) admit his offensive act of killing the

- Egyptian by mistake, as has been indicated in the Glorious Koran, ﴿Fir'aun﴾ said: "Did we not cherish thee as a child among us, and didst thou not stay in our midst many years of thy life? * "And thou didst, a deed of thine which (thou knowest) thou didst, and thou art an ungrateful (wretch)!" * Musa said: "I did it then, when I was in error." ﴿86﴾.
13. Negotiators have to be patient and endure the toughness and ignorance of opposite parties, as well as their menaces. Prophet Moses (PBUH) endured all cruelty and threats of the Pharaoh. Allah (HBG) says in the Glorious Koran, ﴿(Fir'aun)﴾ said: "Truly your messenger who has been sent to you is a veritable madman!" ﴿87﴾, ﴿build me a lofty palace, that I may mount up to the god of Musa: but as far as I am concerned I think (Musa) is a liar!"﴾ ﴿88﴾, and, ﴿(Fir'aun)﴾ said: "If thou dost put forward any god other than me, I will certainly put thee in prison!" ﴿89﴾.
14. Negotiators may suggest to the party that delegates them probable penalty for the opposite parties in the talks. Prophet Moses (PBUH) told Allah (HBG) to deface the wealth of the Pharaoh and his men because they used it in misleading people, and to make them face severe punishment. The Glorious Koran says, ﴿Musa﴾ prayed: "Our Lord! Thou hast indeed bestowed on Fir'aun and his Chiefs splendour and wealth in the life of the Present, and so, Our Lord, they mislead (men) from Thy Path. Deface, Our Lord, the features of their wealth, and send hardness to their hearts, so they will not believe until they see the grievous Penalty." ﴿90﴾.
15. Negotiators should honor their commitments towards opposite parties without any decrement. Prophet Moses (PBUH) served his father-in-law for ten years, which was the maximum period in the marriage agreement. This has been mentioned in the Glorious Koran, Allah (HBG) says, ﴿He﴾ said: "I intended to wed one of these my daughters to thee, on condition that thou serve me for eight years; but if thou complete ten years, it will be (grace) from thee. But I intend not to place thee under a difficulty: thou wilt find me, indeed, if Allah wills, one of the righteous." ﴿91﴾.
16. Negotiators have to accept advice proposed by other persons. Prophet Moses (PBUH) followed the counsel of the man who told him to leave Egypt when he killed the Egyptian, ﴿And there came a man, running, from the furthest end of the City. He said: "O Musa! the Chiefs are taking counsel together about thee, to slay thee so get thee away, for I do give thee sincere advice."﴾ ﴿92﴾.
17. The party that delegates envoys to negotiate should make sure of their competence and ability before starting negotiation, because they are going to represent that party. Their competence and skill

are significant to complete the negotiation process. Allah Almighty (HBG) asked Prophet Moses (PBUH) about the thing which he was holding in his right hand, although Allah (HBG) knew that it was a rod, but He wanted to test Prophet Moses' (PBUH) ability. Prophet Moses (PBUH) replied, as the Glorious Koran tells, ﴿He said, "It is my rod: on it I lean; with it I beat down fodder for my flocks; and in it I find other uses."﴾⁹³. Prophet Moses (PBUH) replied that he was holding a rod which he used for leaning, for feeding his sheep, and for other uses, which he did not define. He left the answer open for adding other purposes. This answer shows that Prophet Moses (PBUH) had ability to respond to questions, and this reflected his shrewdness. Actually, Prophet Moses (PBUH) later used the rod in striking the sea when escaping the Pharaoh and his army, and in striking the rock that gushed with springs of water, as well as in beating the magic of the Pharaoh's sorcerers.

The rod therefore could be used for various purposes other than those mentioned in Prophet Moses' (PBUH) reply. It could be used, for instance, as a weapon against offensive passersby, to lengthen the rope when drawing water from the well, to keep away beasts and other animals, to carry things by hanging them on the shoulder. It could also be used to ride animals like the horse or the donkey, to help when traveling, to widen the steps when walking, to cross water streams, and to hang the frock on as a shade from hot sun or cold wind when resting⁹⁴.

Negotiations of Prophet Jesus Christ (PBUH)

The similitude of Prophet Jesus (PBUH) is as that of Prophet Adam (PBUH), Allah (HBG) created him from dust, and then said to him "Be": and he was. He is the Word of Allah (HBG) sent to Virgin Mary, the most virtuous and truthful, and he gave tidings of the coming of Prophet Mohammed (PBUH). Allah (HBG) gave him clear signs, and strengthened him with the Holy Spirit. He was held in honor in this world and the Hereafter and he is of the company of those nearest to Allah (HBG). He called his people to believe in Allah (HBG) and worship him as the only god, but they were arrogant and rejected him, except for few simple and innocent people who believed and followed him. He also explained to his people matters of dispute among them, concerning the laws of earlier times. Allah (HBG) says in the Glorious Koran, ﴿When 'Isa came with Clear Signs, he said: "Now have I come to you with Wisdom, and in order to make clear to you some of the (points) on which ye dispute: therefore fear Allah and obey me."﴾⁹⁵.

The negotiation between Prophet Jesus (PBUH) and his people was a strange one from the outset. It started by an unprecedented miracle from Allah (HBG), when Jesus spoke with them while he was a newborn, to defend his mother who was accused of adultery, because she gave birth to him while she was a virgin, who had not married before. When she came out carrying the infant, they pointed at her as having committed a sin. As a reply, she pointed to the baby Jesus telling them to speak to him not her. They were surprised, and thought that she was ridiculing them, because it was impossible to speak to a newborn. For their amazement, he answered them. Allah (HBG) says in the Koran, ﴿But she pointed to the babe. They said: "How can we talk to one who is a child in the cradle?" * He said: "I am indeed a servant of Allah: He hath given me revelation and made me a prophet; * "And He hath made me blessed wheresoever I be, and hath enjoined on me Prayer and Charity as long as I live: * "(He) hath made me kind to my mother, ﴿⁹⁶. These verses show that Prophet Jesus (PBUH) explained to those people that his mother was virtuous and innocent, as they themselves know, and that he was the Prophet and Messenger of Allah (HBG) not his son, as they claimed later.

The conclusion of the negotiations of Prophet Jesus (PBUH) was also a strange one. It was while the enemies of Prophet Jesus (PBUH) were discussing the ways of getting rid of him, that a man came and told them where to find Prophet Jesus (PBUH) and kill him. He led them to the place, and they caught Prophet Jesus (PBUH) and his men. They decided to crucify him, but Allah (HBG) willed that they would not reach him or execute him, so Allah (HBG) hid him from their view in such a way as to make them unable to see or recognize him. Instead, they saw that person who showed them the hiding place of Prophet Jesus (PBUH) looking like Prophet Jesus (PBUH), and they led him to the cross⁹⁷.

Allah (HBG) made feeble the plots of that man and reversed his cunning in return to treason, and raised Prophet Jesus (PBUH) to Heaven to save him. Allah (HBG) says in the Glorious Koran, ﴿That they said (in boast), "We killed Al-Masih 'Isa the son of Maryam, the Messenger of Allah"; but they killed him not, nor crucified him, but so it was made to appear to them, and those who differ therein are full of doubts, with no (certain) knowledge, but only conjecture to follow, for of a surety they killed him not. ﴿⁹⁸.

Miracles of Prophet Jesus (PBUH)

Allah (HBG) had assisted Prophet Jesus (PBUH) by certain miracles to show His support and reinforcement. Those miracles suited the general situation, concepts, and medical experiences and skills of the

society in which Prophet Jesus (PBUH) lived. Those miracles were as follows:

1. Allah (HBG) created Prophet Jesus (PBUH) just like Prophet Adam (PBUH), from no father. He came into existence in the womb of his mother without her having any contact with a man. Allah (HBG) says in the Glorious Koran, ﴿The similitude of 'Isa before Allah is as that of Adam; He created him from dust, then said to him "Be": and he was.﴾⁹⁹.
2. Prophet Jesus (PBUH) spoke to people while he was just a newborn, the Glorious Koran says, ﴿But she pointed to the babe. They said: "How can we talk to one who is a child in the cradle?"﴾¹⁰⁰.
3. He healed those born blind, and the lepers, and all who had chronic illnesses. He could also create birds from clay, and quickened the dead, by Allah's (HBG) leave. Allah (HBG) says in the Glorious Koran, ﴿And (appoint him) a Messenger to the Children of Israel, (with this message): "I have come to you, with a Sign from your Lord, in that I make for you out of clay, as it were, the figure of a bird, and breathe into it, and it becomes a bird by Allah's leave: and I heal those born blind, and the lepers, and I quicken the dead, by Allah's leave; and I declare to you what ye eat, and what ye store in your houses. Surely therein is a Sign for you if ye did believe﴾¹⁰¹.
4. According to his request, Allah (HBG) sent a table set with viands from heaven to be a solemn festival and a Sign from him, ﴿Said 'Isa the son of Maryam: "O Allah our Lord! send us from heaven a Table set (with viands), that there may be for us - for the first and the last of us - a solemn festival and a Sign from Thee; and provide for our sustenance, for Thou art the best Sustainer (of our needs)." * Allah said: "I will send it down unto you; but if any of you after that resisteth faith, I will punish him with a penalty such as I have not inflicted on any one among all the peoples.﴾¹⁰².
5. Prophet Jesus (PBUH) was able to predict things of the unknown or unseen, ﴿and I declare to you what ye eat, and what ye store in your houses. Surely therein is a Sign for you if ye did believe;﴾¹⁰³.
6. Allah (HBG) encompassed Prophet Jesus (PBUH) with His utmost care and protected him when his enemies wanted to kill him. Allah (HBG) made a man look like Prophet Jesus (PBUH) to be crucified in his stead, and saved Prophet Jesus (PBUH) from death and raised him body and soul to heaven. ﴿That they said (in boast), "We killed Al-Masih 'Isa the son of Maryam, the Messenger of Allah"; but they killed him not, nor crucified him, but so it was made to appear to them, and those who differ therein are full of doubts, with no (certain) knowledge, but only conjecture to follow, for of a surety they killed him

not. * Nay, Allah raised him up unto Himself; and Allah is Exalted in Power, Wise ﴿104﴾.

Lessons of the Negotiations of Prophet Jesus (PBUH)

1. Negotiators should not spare any effort to convince the opposite party in the talks. Prophet Jesus (PBUH) tried hard to lead his people from the darkness of ignorance to the light of faith. He did not care about their antagonism and hostility, but he endured and suffered, moving from one place to another to refute their claims and expose their deception.¹⁰⁵
2. The party that delegates negotiators has to empower them with all that which may enable them to fulfill their duty. Allah (HBG) assisted Prophet Jesus (PBUH) with miracles that enabled him to induce his people to believe his message. Those miracles were analogous to prevailing conceptions of that time. Allah (HBG) says in the Glorious Koran, ﴿Then will Allah say: "O 'Isa the son of Maryam! recount My favour to thee and to thy mother. Behold! I strengthened thee with the holy spirit, so that thou didst speak to the people in childhood and in maturity. Behold! I taught thee the Book and Wisdom, the Law and the Gospel. And behold! thou makest out of clay, as it were, the figure of a bird, by My leave, and thou breathest into it, and it becometh a bird by My leave, and thou healest those born blind, and the lepers, by My leave. And behold! thou bringest forth the dead by My leave. And behold! I did restrain the Children of Israel from (violence to) thee when thou didst show them the Clear Signs, and the Unbelievers among them said: 'This is nothing but evident magic.'﴾¹⁰⁶.
3. In many negotiations, one side, or both sides, may insist on their point of view, and would not abandon their opinions, notwithstanding the facts and evidences that prove their inaccuracies. This same situation happened to Prophet Jesus (PBUH) when his people insisted on disbelief, and went so far in their arrogance as to accuse him of false magic.
4. The party that delegates negotiators has right to interrogate them to see the extent of their commitment to the task within the delegated power. Allah (HBG) confirms this in the Glorious Koran when He says, ﴿And behold! Allah will say: "O 'Isa the son of Maryam! didst thou say unto men, 'Worship me and my mother as gods in derogation of Allah'?" He will say: "Glory to Thee! never could I say what I had no right (to say). Had I said such a thing, Thou wouldst indeed have known it. Thou knowest what is in my heart, though I know not what is in Thine. For Thou knowest in full all that is hidden.﴾¹⁰⁷.

CHAPTER TEN

THE NEGOTIATIONS OF THE TREATY OF AL-HUDAYBIYA

*P*rophet Mohammed (PBUH) held many negotiations with the aim of establishing Islam. Of those negotiations was one with six men of Khazraj Arabs of Yethrib during the pilgrimage (Hajj) season, and his negotiations of the First Aqaba Pledge of Allegiance the following year

with twelve men, ten from the Khazraj and two from the Aus tribes. A year later, he held the negotiations of the Second Aqaba Pledge with seventy-three men, sixty-two from the Khazraj and eleven from the Aus. There were also the negotiations with the Polytheists after the Prophet's (PBUH) departure from Mecca and victory at the Great Battle of Badr, which dealt with the issue of the detainees. Another was the negotiations at Al-Hudaybiya, which resulted in the famous Treaty of Al-Hudaybiya that will be the focus of the present chapter, due to its significance in achieving victory for Islam.

Before discussing the Treaty and its lessons, it is necessary to introduce Prophet Mohammed (PBUH) as the spokesperson of the Muslims at those talks, a synopsis of his life, his traits and personality, the features that distinguish and honor him, and his miracles.

Synopsis of the Life of Prophet Mohammed (PBUH)

Prophet Mohammed (PBUH) was born in Mecca, at the southwestern part of Arabia, in the year AD 570, which is known as the Year of the Elephant. He was born in a very underdeveloped area that was far from the world centers of trade, civilization, culture, and art. His father died before his birth, and his mother died when he was six years old. He was brought up in humble conditions. He grew up in Mecca, where its inhabitants and people in the neighborhood were polytheists worshipping idols, and living together with some Jews and Christians. Yet his heart was full of faith in Allah (HBG), the one and only God.

In AD 610, when Prophet Mohammed (PBUH) was forty years old, Allah (HBG) chose him to carry His Sublime Message of Islam to humanity. In AD 613, Allah (HBG) commanded him to proclaim his mission and invite people to Islam. He started his mission in Mecca and its vicinities for about ten years, with wisdom and beautiful preaching.

In the year AD 622, Prophet Mohammed (PBUH) left for Yethrib, or Al-Medina Al-Munawara (the enlightened city) as it was called later, 400 km from Mecca. His emigration, or Hijra, to Medina marked a turning point in his life and in Islamic history, because afterwards so many people converted to Islam rapidly. His emigration also helped to confer power and influence on Islam, and established it deeply into the hearts of people. Soon the number of Muslims increased and it became possible to defend the new faith in the years that followed the emigration.

Prophet Mohammed (PBUH) went back to Mecca as a conqueror, in AD 633. This victory encouraged the inhabitants of Arabia to convert to Islam in multitudes, an event that Prophet Mohammed (PBUH) himself

witnessed. Allah (HBG) says in the Glorious Koran, ﴿When comes the Help of Allah, and Victory, * And thou dost see the People enter Allah's Religion in crowds, * Celebrate the Praises of thy Lord, and pray for His Forgiveness: for He is Oft-Returning (in Grace and Mercy).﴾¹.

It is worth mentioning that the inhabitants of Arabia were known for their roughness, as for their prowess in battle. However, they were separate tribes, not unified, and therefore, they had no power or control. It was the first time in history that the Arabs became united by their faith in one god, Allah (HBG). Prophet Mohammed (PBUH) could achieve that, and he was able to establish for a new Islamic culture and principles concerning religious duties as well as secular matters. This culture is based on the Koran, in which humans can find everything they need for spiritual and secular aspects of life, at all times and places, based on what pleases Allah (HBG) and satisfies their objectives and aspirations.

Prophet Mohammed (PBUH) is considered the greatest political leader in history, because he gave glad tidings of the eminent religion, which is based on principles of justice and equality. The Prophet's strong imprints will remain on all aspects of human life all through history, until doomsday².

Some Attributes of Prophet Mohammed (PBUH)

Prophet Mohammed (PBUH) used to have good opinion of Allah (HBG), and to observe things with wisdom. He was always smiling, tolerant, and with good disposition. He was not severe or hard-hearted, not clamorous, nor obscene, indecent, faultfinder, or panegyrist. He ignored what did not conform to his views, but no one despaired from him, and he failed no one. He avoided disagreement, dispute, too much talking, collecting money, and anything that did not concern him. He never spoke badly of others or tried to find faults with others, and never exposed the secrets of others. He did not speak of things unless what would give him tribute, and was patient with the stranger's crudeness and unkind thoughts and words. He used to listen to others without interrupting them until one would end the discourse, or if the speaker misbehaved or lapsed, then he would stop them or just leave them. He used to tell his companions, "If you see a person in need, direct him".

The Prophet's silence indicates four things: forbearance, precaution, judgment, and contemplation. In precaution, he has four motives: to take what is good and follow it, to renounce the disagreeable and refrain from it, to exert reason for the good of people, and to do for them what would be of benefit for them in this life and the afterlife³.

Prophet Mohammed (PBUH) is renowned by sagacity, honesty, insight, rightness of opinion, correctness of thinking, smoothness in merging with others, patience in suffering, firmness, solemnity, and turning away from worldly pleasures, thus he did not leave any kind of possessions.

He was modest, and gentle. He used to turn away from the ignorant following Allah's (HBG) rule when Allah (HBG) told him in the Koran, ﴿Hold to forgiveness; command what is right; but turn away from the ignorant﴾⁴. He was also forgiving, especially to those who had hurt him. He asked the Meccans when they gathered around him after the conquest, "Now what is your opinion of me?" They replied, "A generous kin, if you forgive that is what we know of you, but if you avenge, it was we who offended". He said to them, "But I say unto you what (Prophet) Joseph (PBUH) said unto his brothers, 'this day let no reproach be (cast) on you: Allah will forgive you, and He is the Most Merciful of those who show mercy!'"⁵.

Of the traits of Prophet Mohammed (PBUH) are that he was compassionate and kind to his people, he fulfilled the pledges, and kept his word unless other sides would break contract with him, then he prayed that Allah (HBG) would find him a way out. This was what happened between him and Quraish in Al-Hudaybiya Treaty when it turned good for him after they broke it. He also looked at treachery as one of the most grievous sins⁶.

Prophet Mohammed (PBUH) forbade paying tributes to him or complimenting him, therefore, he said, "Do not flatter me as the Christians did with Prophet Jesus (PBUH), son of Maryam, I am but the servant of Allah and His messenger." He said in this regard, "If you meet flattering persons shower their faces with dust", that is to put them to shame. He proscribed appealing to him or his name for help, or calling in prayer the name of any of righteous persons, he said, "I should not be called for aid, only Allah." He also forbade swearing by his name, except by the name of Allah (HBG), because swearing by someone's name indicates glorification of that name, while only Allah (HBG) who should be glorified. He said, "Anyone who swears, he should swear by no other name but by Allah's name." He said as well, "Anyone swears by a name other than Allah's will be joining a partner with Allah." He prohibited sacrificing sheep or making a vow for any person other than Allah (HBG), and he regarded that as polytheism. He said, "Allah curses who sacrifices sheep for other than Him"⁷.

Honoring Qualities of Prophet Mohammed (PBUH)

Allah (HBG) singled Prophet Mohammed (PBUH) out with many qualities that no one of the prophets or messengers before him has had, in tribute to his high position. The following are some of these qualities:

1. Prophet Jesus Christ (PBUH) gave tidings of the coming of Prophet Mohammed (PBUH) five hundred years before he was born, which did not happen to any other prophet or messenger. The Glorious Koran confirms this when Allah (HBG) says, ﴿And remember, 'Isa, the son of Maryam, said: "O Children of Israel! I am the Messenger of Allah (sent) to you, confirming the Law (which came) before me, and giving Glad Tidings of a Messenger to come after me, whose name shall be Ahmad." But when he came to them with Clear Signs they said, "This is evident sorcery!"﴾⁸.
2. Allah (HBG) addressed him by the titles of Prophet and Messenger, not by his proper name, which was not reported about the other prophets and messengers who preceded him. The Glorious Koran proves this in many verses, of which are the following⁹: ﴿O Prophet! Sufficient unto thee is Allah, (unto thee) and unto those who follow thee among the Believers﴾, and ﴿O Apostle! Let not those grieve thee, who race each other into Unbelief: (whether it be) among those who say "We believe" with their lips but whose hearts have no faith﴾. Whereas Allah (HBG) addressed each of the other prophets and messengers with their proper names, as in these verses of the Koran, ﴿We said: "O Adam! Dwell thou and thy wife in the Garden; and eat of the bountiful things therein as (where and when) ye will; but approach not this tree, or ye run into harm and transgression."﴾¹⁰, ﴿And behold! Allah will say: "O 'Isa the son of Maryam!﴾¹¹, ﴿He said: "O Nuh! he is not of thy family: for his conduct is unrighteous. So ask not of Me that of which thou hast no knowledge! I give thee counsel, lest thou act like the ignorant!"﴾¹², ﴿(Allah) said: "O Musa! I have chosen thee above (other) men, by the mission I (have given thee) and the words I (have spoken to thee): take then the (revelation) which I give thee, and be of those who give thanks."﴾¹³, and ﴿We called out to him, "O Ibrahim﴾¹⁴.
3. Allah (HBG) hit the enemies of Prophet Mohammed (PBUH) instead of him to grant him victory at the Great Battle of Badr¹⁵. Allah (HBG) says in the Glorious Koran, ﴿It is not ye who slew them; it was Allah: when thou threwest (a handful of dust), it was not thy act, but Allah's: in order that He might test the Believers by a gracious trial from Himself: for Allah is He Who heareth and knoweth (all things).﴾¹⁶.
4. Allah (HBG) prohibits the Muslims to call Prophet Mohammed (PBUH) by his proper name as one would call another. Allah (HBG) ordains that the Prophet be called by the title of "Prophet" or "Messenger", in honor to his high position among the Muslims. He

emphasizes this in the Glorious Koran as He says ﴿Deem not the summons of the Messenger among yourselves like the summons of one of you to another.﴾¹⁷. This verse prohibits the Muslims from being like the previous nations who called their prophets and messengers by their proper name, as for example: ﴿They said: "O Musa! fashion for us a god like unto the gods they have." He said: "Surely ye are a people without knowledge﴾¹⁸, ﴿Behold! the Disciples said: "O 'Isa the son of Maryam! can thy Lord send down to us a Table set (with viands) from heaven?" Said 'Isa: "Fear Allah, if ye have faith."﴾¹⁹, and, ﴿They said "O Hud! No Clear (Sign) hast thou brought us, and we are not the ones to desert our gods on thy word! nor shall we believe in thee!﴾²⁰.

5. Allah (HBG) swears by the life of Prophet Mohammed (PBUH), which shows his high rank, ﴿Verily, by thy life (O Prophet), in their wild intoxication, they wander in distraction, to and fro.﴾²¹.
6. Allah (HBG) and His Angels bless Prophet Mohammed (PBUH), and Allah (HBG) tells the Muslims to bless the name of the Prophet (PBUH) whenever it is mentioned. This is confirmed in the Koran when Allah (HBG) says, ﴿Allah and His Angels send blessings on the Prophet: O ye that believe! send ye blessings on him, and salute him with all respect.﴾²².
7. Allah (HBG) has taken the pledge for the Prophet (PBUH) from the other prophets to believe in him and aid and support him. The Glorious Koran confirms this as Allah (HBG) says, ﴿Behold! Allah took the Covenant of the Prophets, saying: "I give you a Book and Wisdom; then comes to you a Messenger, confirming what is with you; do you believe him and render him help." Allah said: "Do ye agree, and take this my Covenant as binding on you?" They said: "We agree." He said: "Then bear witness, and I am with you among the witnesses."﴾²³.
8. Allah (HBG) told Prophet Mohammed (PBUH) that his nation, or Muslims, is the best of nations, as He says in the Glorious Koran, ﴿Ye are the best of Peoples, evolved for mankind,﴾²⁴. Prophet Mohammed (PBUH) also said to the Muslims, "You conclude seventy nations, you are the best and most honored by Allah"²⁵.
9. Allah (HBG) enjoins that loving and reverencing the Prophet (PBUH) is imperative and should be prior to loving the self, family, or money. This is indicated in the Glorious Koran, ﴿Say: If it be that your fathers, your sons, your brothers, your mates, or your kindred; the wealth that ye have gained; the commerce in which ye fear a decline; or the dwellings in which ye delight - are dearer to you than Allah, Or His Messenger, or the striving in His cause - then wait until Allah brings about His decision: and Allah guides not the rebellious.﴾²⁶. Accordingly, the

Prophet (PBUH) says, “No one of you is a believer unless I be more loved to him than one’s parents, offspring, and all other people”.

10. Allah (HBG) honors the Prophet (PBUH) when He made him witness the conversion of Quraish, who used to have warfare with him before the Treaty of Al-Hudaybiya, to Islam, and their belief in his prophethood as well, before he died. Moreover, Quraish was to undertake defending Islam and spreading the religion, which did not happen to the previous messengers.
11. The Glorious Koran confirms that a group of the fairies, or jinn, had listened to the Prophet (PBUH) while he was reciting verses of the Glorious Koran, and they believed in him and his message. They, then, went to their fellows telling them to believe and warned them if they would not. The Glorious Koran says ﴿Behold, We turned towards thee a company of Jinns (quietly) listening to the Qur-an: when they stood in the presence thereof, they said, "Listen in silence!" when the (reading) was finished, they returned to their people, to warn (them of their sins). * They said, "O our people! we have heard a Book revealed after Musa, confirming what came before it: it guides (men) to the Truth and to a Straight Path. * "O our people, hearken to the one who invites (you) to Allah, and believe in him: He will forgive you your faults, and deliver you from a Penalty Grievous.﴾²⁷.

Miracles of Prophet Mohammed (PBUH)

A survey of the miracles of the prophets and messengers, who preceded Prophet Mohammed (PBUH), shows that their miracles were material in their nature, and were appropriate to the age in which they lived and to predominant conceptions of their nations and times. Therefore, those miracles vanished once those times and nations ended. The exception is the miracle of the Glorious Koran, which was revealed to Prophet Mohammed (PBUH), as it continues to be a miracle at all times and ages until doomsday. The following are the miracles of the Prophet (PBUH), as follows:

1. It is impossible to make a book like the Glorious Koran, even if all humans and fairies assemble and assist one another. Allah (HBG) says in the Glorious Koran, ﴿Say: "If the whole of mankind and Jinns were to gather together to produce the like of this Qur-an they could not produce the like thereof, even if they backed up each other with help and support﴾²⁸.
2. Allah (HBG) who guards the Glorious Koran from alteration or corruption from the beginning until doomsday, as He says in the Koran, ﴿We have, without doubt, sent down the Message; and We

will assuredly guard it (from corruption). ﴿٢٩﴾.

3. Allah (HBG) took Prophet Mohammed (PBUH) by night in a journey and made him ascend to the heavens in a speed that none of the most developed modern technology can achieve. This has been indicated in the Glorious Koran, ﴿Glory to (Allah) Who did take His servant for a Journey by night from the Sacred Mosque to the Farthest Mosque, whose precincts We did bless, in order that We might show him some of Our Signs: for He is the One Who heareth and seeth (all things).﴾³⁰.
4. Allah (HBG) had protected the Prophet (PBUH) from people and restrained their hands from him in order for him to be able to communicate the message of Islam to them. This has been mentioned in the Glorious Koran as Allah (HBG) says ﴿O Apostle! proclaim the (Message) which hath been sent to thee from thy Lord. If thou didst not, thou wouldst not have fulfilled and proclaimed His Mission. And Allah will defend thee from men (who mean mischief). For Allah guideth not those who reject Faith﴾³¹.

The Nature of the Negotiations of the Treaty of Al-Hudaybiya

Early in the month of Dhul-Qi'da, six years after the emigration (Hijra) to Medina, Prophet Mohammed (PBUH) led the Muslims and headed towards Mecca to perform the rituals of Umrah (the lesser or minor pilgrimage performed in Mecca throughout the year). They were about 1400 men, later known as the Men of the Tree and the Men of the Pledge of Al-Ridwan. Prophet Mohammed (PBUH) had already asked other Arab tribes and Bedouins, including non-Muslims, to accompany him on that holy mission simply because he wanted to emphasize that he did not want to fight. Some of the tribes rejected his invitation and others accepted. However, he went with the Muslims of Muhajireen (emigrants; those who came to Medina with the Prophet) and Ansar (supporters; natives of Yethrib who received the Prophet in their city and supported him), and other tribes³².

When the Prophet (PBUH) and his group of men reached a place called Dhil Halifa, they donned the pilgrim garb. There, the Prophet (PBUH) sent a man from Bani Ka'ab, Bishr bin Sufyan Al-Khuza'ee Al-Ka'abi, to watch over Quraish and tell him information about their movements. When the Muslims reached the village of Usfan, Bishr came back and told the Prophet (PBUH), "There are Quraish who have heard of your coming and have come out and have encamped in Dhi Tuwa swearing that you will never enter Mecca in defiance of them." To this, Abu Bakir said to the Prophet (PBUH), "O Messenger of Allah, you came

out to the House, not willing to kill anybody or fight anybody, so we will fight whoever would halt us". The Prophet (PBUH) said to his men, "Well, move in the Name of Allah"³³.

In Usfan, Prophet Mohammed (PBUH) knew that Quraish's cavalry were approaching, he performed the Prayer in the State of Insecurity (Salat al-Khawf), and, to evade the Meccans, took a more difficult route, thereby reaching Al-Hudaybiya, just outside of Mecca. When Quraish knew of the movements of the Prophet (PBUH), they camped in Baldah. The Prophet (PBUH) wanted Quraish to realize that he did not want to have a battle against them, but only to visit the Sacred House of Allah (HBG), which was a right to all Muslims as well as to all Arabs. When Quraish knew of the purpose of the Prophet (PBUH), they delegated few of their men to negotiate with the Prophet (PBUH) and to see the Muslim forces whether they had come to fight. The man they delegated was Budail bin Warqaa from the tribe of Khuza'a. He told the Muslims that Quraish would prevent them from entering the city of Mecca. Prophet Mohammed (PBUH) informed the man about his purpose of coming to Mecca, and made it clear that they did not want to fight, and fighting would have harmful effects on Quraish. He suggested that they solve the problem in peaceful way, by arranging for a short-term truce until Quraish would be reassured of the matter, and if they rejected then war would be inevitable.

Budail was convinced, and went back to Quraish, and said to them, "O, you the community of Quraish! You rush in your opinion of Mohammed. He did not come to fight, but to visit the House". Still, Quraish said, "By God, he would never enter the city by force"³⁵.

Prophet Mohammed (PBUH) tried his best to confirm to Quraish his peaceful purpose, and make the Arabs witness that. Therefore, he sent Kharash bin Umayya al-Khuza'ee to clarify the matter to Quraish, but, on seeing him approaching, they attacked him. Fortunately, the al-Ahbash troops protected him.

Prophet Mohammed (PBUH) continued sending envoys to Quraish, though he knew very well their attitude towards the matter, that they would not allow the Muslims to enter Mecca. Then, he sent Uthman bin Affan, who took refuge at Aban bin Sa'eed Al-Amawy, a man of his tribe, until he delivered the message of the Prophet (PBUH). Then Quraish allowed Uthman to go round the Sacred House, but he said, "I cannot do so until the Messenger of Allah would do so." Uthman then initiated peace negotiations with Quraish, but they continued to reject the idea. The negotiations were extensive and proved difficult at times.

When Uthman extended his stay and was nowhere to be seen in Mecca, a rumor broke out in the Muslim camp that Quraish had killed him. The Muslims were infuriated by the news and they were ready to do battle with Quraish. At this point, Prophet Mohammed (PBUH) summoned his men and stood under a tree, where he sought to a pledge. The Muslims pledged to him that they would fight until death if Quraish betrayed Uthman in the sacred month. Once the pledge had been given, the Prophet (PBUH) clapped his hand against the other as a pledge on behalf of Uthman, as if he had been with them. He said unto them, "You are the best men on earth," and went on saying, "By the will of Allah, may no one of you who pledged go to Hellfire". The Pledge became known as Bay'at ul-Ridwan, regarding which Allah (HBG) said, ﴿Allah's Good Pleasure was on the Believers when they swore Fealty to thee under the Tree: He knew what was in their hearts, and He sent down Tranquillity to them; and He rewarded them with a speedy Victory;﴾³⁶.

Soon after the Pledge, Quraish allowed Uthman to return to the Muslim camp. When Uthman arrived, he briefed the Prophet (PBUH) about what Quraish had said. Then they started exchanging envoys to set for peaceful negotiations, after they realized that the Muslims made a pledge to Prophet Mohammed (PBUH). They sent Urwa bin Mas'oud al-Thaqafi, and Prophet Mohammed (PBUH) said to him what he had already said to Budail. Urwa replied, "Ay, Mohammed, if you trace back the history of your tribe, would you ever hear of an Arab who had invaded his tribe before you? If otherwise, by Allah I don't see faces but I see a mixture of people who are fit to flee and leave you". Urwa noticed the reverence of the Muslims to the Prophet, and their devotion and obedience to him. When he returned to Quraish, he said to them, "O people of Quraish! I have been to Chosroes in his kingdom, Caesar in his kingdom, and the Negus in his kingdom, but never have I seen a king among a people like Mohammad among his companions"³⁷.

Then Quraish sent Al-Hulais bin Ilqima Al-Kinani, chief of Al-Ahabeesh (the Abyssinians), to negotiate with Prophet Mohammed (PBUH). When the Prophet (PBUH) saw him approaching, he ordered the sacrificial animals the Muslims brought with them, to be let loose to meet him so that to demonstrate to him and make him realize that what the Muslims intended was pilgrimage and not war. Al-Hulais saw the animals going past him from the side of the valley, people donned for Umra, their camp sight engulfed in an atmosphere of worship, and they did not seem equipped for fighting. He was overwhelmed by their sight and went back to Quraish even before meeting the Prophet (PBUH). He informed them of what he had seen, and demanded that Quraish allow the Muslims to perform the pilgrimage, and became furious threatening to withdraw his

troops if Quraish attempted to stand between Mohammed (PBUH) and the Sacred House. Quraish, however, managed to calm him down, and they asked him for extra time in the hope of obtaining more acceptable terms.

Quraish, afterwards, sent to Prophet Mohammed (PBUH) a man called Mukriz bin Hafs, who when the Prophet (PBUH) saw said to his companions, “That is Mukriz who is immoral”. While Mukriz was talking to the Prophet (PBUH), Suhail bin Amr came, delegated by Quraish. When the Prophet (PBUH) saw Suhail, he said to his companions, “Allah has made it easy for you”, and added, “Quraish wanted reconciliation when they sent that man”, (the name Suhail being derived from the Arabic word “sahl” which means easy or plain). Quraish had already told Suhail, “Go to Mohammed and make peace with him, that he go away this year, for, by God, the Arabs would never speak of us that he entered Mecca by force”. Then, the Prophet entered into long and complicated negotiations with Suhail about the truce and its conditions. Nevertheless, Prophet Mohammed (PBUH) was able by his wisdom, flexibility, and his strategic insight, as well as his good morals, to come out of the negotiations with the Treaty of al-Hdaybiya³⁸.

Quraish did not refrain from harassing the Muslim camp and offending them during the stages of negotiation, but the Prophet (PBUH) and his companions were patient and forbearing, in order not to allow Quraish to drag the Muslims into war or prevent signing the treaty, since they were seeking to do so. Of those offensive attempts was that seventy men of Quraish attacked the Muslim camp, but the Muslims captured them, and the Prophet (PBUH) pardoned them and let them go. Thirty other men repeated the attempt during the negotiations, but they were captured, and then forgiven.

After signing the treaty between the Muslims and Quraish, seventy polytheists tried to provoke the Muslims, but they were captured. Salama bin Al-Akwaa’ also arrested four of the polytheists who offended Prophet Mohammed (PBUH), but the Prophet (PBUH) let them go because he had already signed the treaty. Allah (HBG) confirms this in the Glorious Koran, saying, ﴿And it is He Who has restrained their hands from you and your hands from them in the midst of Mecca, after that He gave you the victory over them. And Allah sees well all that ye do.﴾³⁹.

The Treaty of Al-Hudaybiya: a Definition

The term “Treaty of Al-Hudaybiya” refers to the agreement that was signed after hard and intricate negotiations at the beginning of Dhul-

Qi'da, the tenth month of the Arabic lunar year, of the sixth year after the emigration, between the Muslims and Quraish, who were polytheists. The envoy of Quraish at those negotiations was Suhail bin Amr. Prophet Mohammed (PBUH) was able to direct the negotiations in a highly competent manner, which made the Prophet (PBUH) gain good results. The treaty led to achieving victory for Islam, and to the spreading of Islam later. Therefore, the negotiations of Al-Hudaybiya are considered the major talks Prophet Mohammed (PBUH) held in his life.

Text of the Treaty of Al-Hudaybiya

The basic outline of the treaty was as follows: "In thy name, o God. This is what Mohammed bin Abdullah has agreed with Suhail bin Amr: They have agreed to lay aside war for ten years during which men can be safe and refrained from hostilities. That anyone of the companions of Mohammed comes to Mecca for Haj, Umra, or seeking other pursuit is safe, and anyone from Quraish passes the Medina in his way to Egypt or the Levant is safe. That if anyone comes to Mohammed without the permission of his guardian, he will return him to them; and if anyone of those with Mohammed comes to Quraish, they will not return him to him. We will not show enmity one to another, and there shall be no secret reservation or bad faith. He who wishes to enter into a bond and agreement with Mohammed may do so, and he who wishes to enter into a bond and agreement with Quraish may do so. This year Mohammed will go back without entering Mecca. Next year he and his followers can enter Mecca, spend three days, and perform the circuit. During these three days, Quraish will withdraw to the surrounding hills. When Mohammed and his followers enter into Mecca, they will be unarmed except for sheathed swords". Men from the two sides witnessed the signing of the treaty⁴⁰.

The Articles of the Treaty of Al-Hudaybiya

The articles of the treaty could be summarized as follows⁴¹:

1. Laying aside war for ten years during which people of both sides are safe, and no one ever offends the other.
2. Anyone who comes to Prophet Mohammed (PBUH) without permission of his guardian he will return him to them, but anyone of those with the Prophet (PBUH) comes to Quraish they will not return him.
3. There should be no stealing or secret reservation, nor betrayal between Muslims and Quraish during those ten years.

4. Anyone wishing to have bond or pledge with Prophet Mohammed (PBUH) is free to do so, and anyone who wishes to have bond with Quraish is free to do so.
5. The Prophet (PBUH) should not enter Mecca that year.
6. In the next year, Quraish evacuates the Sacred Precinct for the Muslims to come and perform their rituals.
7. When the Prophet (PBUH) and his companions enter Mecca, they should be unarmed except for the sheathed swords, which the travelers carry with them.
8. Prophet Mohammed (PBUH) should not leave Mecca with anyone of its residents if that person wanted to accompany him.
9. The Prophet (PBUH) and anyone of his companions would not be prevented from staying in Mecca if they wanted to stay there.

The Significance of Al-Hudaybiya Negotiations

Historical facts prove that the negotiations of Al-Hudaybiya are considered evident victory, and the conclusion of all victories. The negotiations were the outcome of prudent politics and deep insight for which Prophet Mohammed (PBUH) was known. Therefore, they came out with great results and advantages for Islam and the Muslims in general. Of these advantages are: first, that Quraish approved Prophet Mohammed (PBUH) for the first time as an opponent not a rebel abandoned by his tribe. Second, Quraish recognized the growing Islamic state. Third, Quraish recognized Islam as a religion when they allowed the Muslims to visit the Sacred Precinct and perform their pilgrimage⁴³.

The results of the treaty of Al-Hudaybiya began to be realized clearly. The Muslims began to feel safe on the southern front; they did not anymore fear an invasion from Quraish. Thus, they were able to spread Islam rapidly and widely among Arab tribes. As a result the number of converts increased in manifold, that while the number of Muslims who accompanied Prophet Mohammed (PBUH) to Al-Hudaybiya was 1400, the number of Muslims who went to Mecca in the Conquest, two years later, was more than ten thousands. Other outcome of the Treaty was that the Prophet started communicating the message of Islam to neighboring kings and rulers. Since the Treaty, Islam spread fast to be the larger Abrahamic religion next to Christianity.

Lessons of the Negotiations of Al-Hudaybiya Treaty

The negotiations of the Treaty of Al-Hudaybiya have established the basis for a new school of negotiation, whose significance exceeds the limits of time and situation. The negotiations give all who are concerned with negotiation innovative vision based on shrewdness, wisdom, and flexibility. They also establish a convention for negotiation that respects contrary opinions, and considers potentials of others, facts and challenges of situation, and magnitude of goals to be attained by negotiation. They direct towards initiative, strategy, and lawful means for the achievement of aims. The following shed light on some of the many lessons of the negotiations of Al-Hudaybiya:

1. Mindful initiative
2. Willingness to negotiate
3. Focusing on strategic goals
4. The importance of creative thinking in negotiation
5. Making concessions
6. Directing the negotiating group
7. Weakening the opposite parties from within
8. Seeking consultation
9. Recognizing the supporters of opponents
10. Exposing the opposite parties to their supporters
11. Controlling the losses
12. Mutual trust within the negotiating group
13. Seeking assistance
14. Self-examination
15. High opinion of the righteous
16. Declaring success in negotiation
17. Utilizing the opportunities competently

1. Mindful Initiative

The negotiations of Al-Hudaybiya signify mindful and deliberate initiative that Prophet Mohammed (PBUH) made to surprise Quraish in their own place and overcome their threats. Earlier, in the fifth year after the emigration (Hijra), the polytheists of Quraish and other tribes gathered their forces around the Medina in Shawal, the tenth month of the year, in the aim of destroying Islam and the Muslims, in what is known as the Campaign of the Trench. The Muslims had had great distress, which

Allah (HBG) described in the Glorious Koran, ﴿ Behold! they came on you from above you and from below you, and behold, the eyes became dim and the hearts gaped up to the throats, and ye imagined various (vain) thoughts about Allah! * In that situation were the Believers tried: they were shaken as by a tremendous shaking.﴾⁴³. The next year, during those hard times the Muslims were having with Quraish, Prophet Mohammed (PBUH) took action and went towards Mecca to negotiate and conciliate with Quraish. This initiative caused Quraish much confusion as it frustrated all their designs against the Prophet (PBUH) and Islam.

This confirms the fact that the efficient negotiator is the one who is daring and who presents initiatives that exceed all expectations, confuse the opposite party, as well as their supporting parties, and make them change their attitudes.

2. Willingness to Negotiate

Prophet Mohammed (PBUH) showed his readiness to negotiate with Quraish since his departure from the Medina towards Mecca. Before leaving the Medina, he reminded the Muslims that fighting was forbidden in the sacred months, he told them, “We are not going to fight anybody, but we go for Umra”. Accordingly, he did not allow anyone of the Muslims to carry their arms, and they only had the traveler’s weapon, which is a sheathed sword. This is enough evidence that he was not seeking war, though he was not afraid of war when necessary⁴⁴.

3. Focusing on Strategic Goals

Negotiators have to seek the achievement of large-scale goals that have major constructive effects in future. They have to abandon the less significant goals and the formal considerations, whose effects are temporary or unimportant. In the negotiations of Al-Hudaybiya, Prophet Mohammed (PBUH) was seeking to attain more strategic objectives than simply making peace. Of those objectives was to spread Islam all over the world. This made the Prophet accept all of Quraish’s conditions Suhail bin Amr suggested when he realized that those conditions had no essential significance, and would not stand against him and the achievement of his strategic goals.

It should be confirmed that achieving strategic goals requires that negotiators have high degree of flexibility in order to be able to face unexpected conditions, which may confront them during negotiations. They also have to make this attribute a distinguishing feature for themselves and for the negotiating group throughout the negotiation

process in order to attain strategic aims.

The following incident reveals the flexibility that was accompanied by high sense of commitment to principles that distinguished Prophet Mohammed (PBUH) during the negotiations of Al-Hudaybiya, against Quraish's rigidity and insistence on formal aspects. Suhail bin Amr was trying hard to complicate the negotiations when he was insisting upon minor issues, particularly during the writing down of the text of the treaty. He first refused to write the Islamic opening, which is "In the Name of Allah, the Compassionate, Most Merciful", and required that it be substituted by "In thy Name, O God". Prophet Mohammed (PBUH) agreed to that in spite of his companions' objection to it.

The Prophet (PBUH) showed his flexibility at its best when Quraish's delegate so vehemently refused the statement that the scribe of the Prophet (PBUH), Ali bin Abi Talib, put down, which was "This is what Mohammed, the Messenger of Allah, has agreed with Suhail bin Amr". Suhail said, "Hold it! If I witnessed that you were the messenger of Allah I would not have fought you. Write your own name and the name of your father". Prophet Mohammed (PBUH) said to Ali, "Write 'This is what Mohammed son of Abdullah has agreed with Suhail son of Amr'." Ali refused to remove the words "the Messenger of Allah". The Prophet (PBUH) took the contract and erased the words with his own hand, and said to Ali, "O Ali, if you refused to remove the title of prophethood from my name, O by the One who has surely sent me, you will reluctantly accept it of their descendants in a situation like this."

Many years later, it happened when it was the Battle of Siffeen*, and Mu'awiya bin Abi Sufyan** and Ali bin Abi Talib, were drawing up the treaty between them. Ali told Amr bin Al-Asse, the scribe of Mu'awiya, to write down, "This is what the Commander of the Faithful, Ali bin Abi Talib, agreed with Mu'awiya bin Abi Sufyan," Amr said, "If we witnessed that you were the Commander we wouldn't have fought you, but I write, 'This is what Ali bin Abi Talib has agreed with Mu'awiya' ". Imam Ali said, "Allah and His Messenger proved to be true, this is what the Messenger of Allah prophesied to me"⁴⁵.

Similarly, Prophet Mohammed showed flexibility when Omar bin Al-Khattab came to Abu Bakr after Suahil refused to write the title of "Messenger of Allah", and told him, "Isn't that Mohammed the Messenger of Allah?" Abu Bakr replied, "Yes." Omar said, "Aren't we Muslims?" Abu Bakr said, "Yes." Then Omar said, "Aren't they Polytheists?" Abu Bakr replied, "Yes." Omar said, "So, why should we agree to what is demeaning to our religion?" Omar tried to convince Abu

Bakr to go to the Prophet (PBUH) to persuade him not to accept the terms of Suhail, but Abu Bakr told him to obey the Prophet (PBUH), and he did not want to show that he agreed with Omar. Still, Omar came to Prophet Mohammed (PBUH) and said to him what he had already told Abu Bakr. The Prophet's determination and perseverance would not be diminished; he said to Omar, "O Omar, I am the servant and messenger of Allah, but I shall not go against His command and He will not abandon me. Anyone of us would go to Quraish, it is that Allah is keeping him away from us, and anyone of Quraish comes to us we will return him, and Allah will relieve him and find him a way out".

4. Importance of Creative Thinking in Negotiation

Creative thinking is defined as a complex mental process, which refuses limitations, traditions, and conventional structures of thinking. It aims at innovating new methods of solving problems and attaining goals, based on relating variables and ideas in a unique, unparalleled, and original way⁴⁶.

Creative thinking represents a challenge to the familiar, gives new alternatives, and deals with opinions and practices in a way quite different from typical thinking. It aims at producing more competent and original alternatives for the achievement of goals.

Accordingly, creative thinking in negotiation enables the negotiators to give original and unexpected ideas and solutions, which help in overcoming the problems that confront them during negotiations. Prophet Mohammed (PBUH), with his creative thinking, was able to give original points of view during the negotiations of Al-Hudaybiya. Those points of view departed from what people were accustomed to at that time, and established a new tendency for negotiations that helped in breaking the relations within Quraish on the one hand, and between Quraish and their allies, on the other.

The Prophet's creative thinking manifested itself during the negotiations of Al-Hudaybiya, when he was able to direct the conflict with polytheists in a manner that was not comprehended by the principles that prevailed in society at that time. The new method was based on peaceful attainment of objectives, in addition to the Prophet's agreement to the term that required the Muslims to return anyone of Quraish coming to the Muslims without the consent of his guardian, while Quraish would detain anyone of the Muslims who joined them. That term was inconsistent with the prevailing values of the time, which necessitated that even the criminal who would seek refuge at another tribe should be granted protection, now what if the fugitive was a fellow Muslim! Those

who accompanied Prophet Mohammed (PBUH) at the negotiations thought that that term was unfair, but by his powerful insight, the Prophet realized that it would help in breaching the unity of Quraish, and that their own sons were to run away seeking the Muslims. At the same time, it will purify the Muslim community from hypocrites who would leave for the polytheists.

The events later proved that those who the Muslims returned to Quraish formed a pressure group in Mecca. Seventy of them gathered round Abu Jandal, son of Suhail bin Amr, who sought refuge with the Muslims, but the Prophet (PBUH) returned him to his people. They went outside the city and started to block the way of Quraish's trade caravans that went to the Levant, as a protest against staying with Quraish. In consequence, Quraish appealed to Prophet Mohammed (PBUH), as a believer in Allah (HBG) and as a kin, to take them as refugees in an attempt to avoid their annoying acts.

It seems that Prophet Mohammed (PBUH) intended by the negotiations to make fundamental changes in prevailing familiar customs, conventional concepts, and ethical principles. For example, the Conquest of Mecca would not have been achieved without war and invasion, but Prophet Mohammed (PBUH) was able to achieve the Conquest through negotiations and peace.

Unfortunately, traces of tribal fanaticism are clear in all ages of Islamic history. Some of Muslims, soon after the passing away of Prophet Mohammed (PBUH), went back to some of the practices that Islam stood against. This return could be explained by the fact that those practices have stronger imprints on the self than Islamic conviction, and thus, they have harmful effects on the Muslims that could not be ignored, and their effects have lingered to the present day.

5. Making Concessions

The strategic negotiators have to be ready for making concessions that would enable them to face problems and obstacles, which the opposite parties lay to prevent the resolution of conflict and attainment of goals. Making concessions should take into consideration that those concessions are not essential or do not have unfavorable effects on the commitment to principles or on the most important goals.

Prophet Mohammed (PBUH) made unessential concessions to Quraish during the negotiations of Al-Hudaybiya in order to come to an agreement and to sign the treaty. Those concessions had had positive effects on the future of Islam. They led to the conquest of Mecca, the

citadel of Quarish, in front of all Muslims and other Arab tribes, that opened a gateway for other tribes to convert to Islam, and enabled the Muslims to go outside of Arabia to spread their religion.

The negotiations of Al-Hudaybiya gave a lesson and a practical answer to the many queries concerning the concessions that negotiators should make to opposite parties. The negotiations also defined the way and the timing of making concessions, not to establish the concept of renouncing principles and exchanging religious for secular, as much as to make conscientious choice for lawful politics that help in attaining advantages for Islam and Muslims.

The Islamic scholar, Ibn Al-Qayim Al-Jawziya thinks that making peace with Polytheists, though it may imply grievance to Muslims, is possible for the predominant interest of Islam, to ward off what is worse than mere grievance. Thus, it implies warding off the worst by accepting the less, and achieving advantages by minor concessions.

Concessions to be made to opposite parties are lawful policy following the example of the Prophet (PBUH). Allah (HBG) gave Prophet Mohammed (PBUH) good tidings of victory and peace when the Prophet (PBUH) made those formal concessions to Quraish. This is confirmed in the Glorious Koran, with the Chapter “Sura” Al-Fatih (Victory) which was revealed to Prophet Mohammed (PBUH) soon after the signing up of the Treaty with Quraish⁴⁸.

6. Directing the Negotiating Group

Efficiency in attaining goals of negotiation depends on several factors, such as competence of the leader of the group in directing other members and in achieving integration and coordination among them.

Prophet Mohammed (PBUH) was able to direct his companions, who were with him at the negotiations of Al-Hudaybiya, so efficiently that he could confront the objections expressed by some of his companions, when the envoy of Quraish presented certain terms that went contrary to their values and beliefs.

The objection to the terms of Quraish was so strong that it threatened the unity of the Muslim group, but Prophet Mohammed (PBUH) was able to overcome that difficult situation, as he was not acting according to his own will, but fulfilling the divine Will. At the same time, Prophet Mohammed (PBUH) was acting as strategic leader who was able to direct his group, mobilize them, and control their emotional responses when irritated by opposite party.

7. Weakening the Opposite Parties from Within

The rightfulness of negotiation issue, which one of the parties raises, helps in persuading the closest circles that support the opposite parties to change their attitudes, and to win them and their supporters. At the same time, this weakens the opposite parties in many respects, material and immaterial. In the negotiations of Al-Hudaybiya, Prophet Mohammed (PBUH) was able to confirm to all who supported Quraish of the legitimacy of his cause by flexible means, thus, he was able to make Quraish' position weak.

How Prophet Mohammed (PBUH) was able to weaken Quraish from within could be explained in the following incident. It was when Abu Jandal, son of Suhail bin Amr, converted to Islam, he escaped from Mecca and came to the Prophet (PBUH) with his manacles, with which Quraish had locked him up, for no other sin except his faith in Allah (HBG). Suhail followed him, hit him and took hold of his collar saying, "Mohammed, the agreement between us was concluded before this man came to you".

The Prophet replied, "You are right", and he pushed Abu Jandal towards his father. Abu Jandal shrieked at the top of his voice: "Am I to be returned to the Polytheists that they may entice me from my religion, o Muslims?"

"Oh, Abu Jandal," Prophet Mohammed (PBUH) said to Abu Jandal. "We have concluded a treaty between us and we pledged one another, and we will never betray them. Be patient and control yourself, for Allah will provide relief and a way out for you and those of you who are helpless."

"O Mohammed," Suhail said to the Prophet (PBUH). "This is the first thing I bring suit against you, that you should return my son to me."

"I did not break the agreement yet," the Prophet (PBUH) said.

"If you do, then, by God, I will never make peace with you." Suhail said. To this Prophet Mohammed (PBUH) rejoined, "Then would you hand me your son as a refugee?" Suhail retorted, "I will never do that." The Prophet (PBUH) said, "Yes, you can do."

Suhail refused to let his son go to the Muslims, and told the Prophet that peace between them depended on taking his son. Abu Jandal again shouted to the Muslims to protect him from his father and other polytheists because they had tortured him for his faith. Prophet Mohammed (PBUH) prayed that Allah (HBG) might relieve Abu Jandal

and find him a way out of his dilemma. Then the Prophet (PBUH) turned to his people saying, “There will be no harm to Abu Jandal. Certainly, he should go back to his parents, for I want to fulfill the terms of Quraish”. Later, he said the same thing to all those who sought refuge with the Muslims, and let them be returned to Quraish⁴⁹.

8. Seeking Consultation

Islamic discipline confirms the necessity to reject oppression and tyranny, to pursue consultation, and to seek advice from those who have the most approving opinion, understanding, and knowledge in all situations and circumstances, and in making decisions as well. That is because consultation provides alternative opinions and viewpoints to choose from among them the most fitting, enhances previously conceived ideas when proved to be the best, and enables individuals to make use of experience, in order to reduce errors to the least level possible.

Allah (HBG) has enjoined Prophet Mohammed (PBUH) to embrace consultation and seek advice in different affairs of life. In this regard, Allah (HBG) says in the Glorious Koran ﴿It is part of the Mercy of Allah that thou dost deal gently with them. Wert thou severe or harsh-hearted, they would have broken away from about thee: so pass over (their faults), and ask for (Allah's) forgiveness for them; and consult them in affairs (of moment). Then, when thou hast taken a decision, put thy trust in Allah. For Allah loves those who put their trust (in Him)﴾⁵⁰.

Owing to the significance of consultation in dealing with problems and affairs, Prophet Mohammed (PBUH) and his Orthodox Successors (Caliphs), did not decide upon a matter before they consulted, except where there was a definite and explicit ruling in the Koran, which would not allow independent reasoning. Prophet Mohammed (PBUH) confirmed the importance of consultation saying “If your commanders are those who are the best among you, the rich among you are the generous, and your affairs are by consultation, then the surface of the earth is better than its inside. And if your commanders are the most evil among you, the rich are the meanest, and your affairs are to your women, then the inside of the earth is better than its surface”. He also said, “Anyone who consults never regrets, and anyone who asks guidance never fails”, and, “The consulted is be aided and the consultant is to be trusted”. He said, “Find help in the advice”, “No one ever perishes of a counsel”. He also said, “No nation has ever consulted if they are not led to the most reasonable”⁵¹.

The above confirms that Islamic discipline in negotiation believes in the significance of consulting the negotiating group, and of respecting their opinions. It also encourages members of the group to present their

ideas and suggestions, and to participate in processes of decision making, in order to find the best manner of solving problems and attaining goals.

Many instances emphasize the fact that Prophet Mohammed (PBUH) followed the advices and opinions of his companions, as when he decided the place that was to be the front of the Battle of Badr, and the manner of dealing with prisoners of war after the same battle. Another was when the Combined Forces of Polytheists (Ahzab) sieged the Muslims in the Medina in the fifth year after the emigration (Hijra). During the siege, while the Muslims were suffering from it, men from Bani Haritha tribe gathered round the Prophet (PBUH) and requested him to allow them to go to their homes to protect them and their families. Prophet Mohammed (PBUH) gave them the permission, but while they were preparing to depart, the Prophet's companion Sa'ad bin Ma'ath came and the Prophet (PBUH) about the harmful effect the Muslims would be having if those men left the place so he should not allow them. Prophet Mohammed (PBUH) followed the advice of Sa'ad and ordered Bani Haritha men to stay. This shows how Prophet Mohammed (PBUH) renounced his decision for the opinion of his companions, an instance that would encourage the companions to give their advices and suggestions, and follow consultation⁵².

The Caliph Omar bin Al-Khattab used to say, "An affair is no good if done without counsel", because he believed that collective opinion generated by counsel is more effective in attaining goals than a single one. He also said in this concern, "Seek the advice of those who fear Allah". Thus, when the leader of the Muslim army, Abu Ubaida bin Mas'ood was killed in battle with the Persians, Omar assigned the leadership to Sa'ad bin Abi Waqass, because the Muslims thought that he was more eligible for that responsibility than any one of them⁵³.

Imam Ali bin Abi Talib used to give his advices to those who consulted him before he became caliph. Afterwards, he applied the principle of consultation and discussion as part of his rule, and required that all his governors do the same⁵⁴.

Consultants should have certain traits that make them suitable for the task. First, they must be God-fearing, and they apply Divine Law in dealing with the issues. Secondly, they must be known for sound opinions, knowledge, thinking, intellect, religious devotion, honesty, integrity, understanding of religious rulings, and experience. They should also be concerned with issues for which they give their counsel, whether secular or spiritual. Accordingly, Imam Ali defined to his governor in Egypt some of the traits of consultants whom he might refer to saying, "Do not involve a miser in your counsel, that he turns you away from

right and promises you of poverty. Nor do you seek a coward's advice that he makes you unable to deal with things, nor a covetous that embellishes evil with injustice. It is because miserliness, cowardliness, and covetousness are various instincts combined by bad opinion of Allah"⁵⁵.

The negotiation of Al-Hudaybiya shows that Prophet Mohammed (PBUH), who was the leader of the negotiating group, had consulted those who accompanied him more than once. He did not only consult male companions, but females also, and followed the opinion of his wife, Um Salama, in taking action by shaving his head when his companions refused to do the same. It was when the Prophet (PBUH) and Suhail signed the treaty, some of the Muslims were agitated and some were angry because they thought that Prophet Mohammed (PBUH) surrendered to Quraish. The Prophet (PBUH) was disturbed and exasperated by their reaction. He felt awkward when the Muslims refused to shave and slaughter their animals. He went to Um Salama and confessed his anguish. She said, "O Messenger of Allah! Verily the Muslims will not disobey you; they only are zealous about their religion. They feel sad to return without going to Mecca. Go to them and do not speak to anyone of them. Sacrifice your animal, and let your haircutter shave you". Prophet Mohammed (PBUH) went out and did what she advised him. When the Muslims saw him doing so, they started to slaughter their animals and some shaved while others only had their hair cut. The Prophet (PBUH) said to them, "May Allah mercy those who shaved". They said, "What about those who cut their hair?" He said, "And they also". They said, "O Messenger of Allah, why did you prefer those who shaved their heads to those who cut their hair?" He said, "Because they are not skeptical"⁵⁶.

It is worth mentioning that this incident emphasizes two very important things: one is that Prophet Mohammed (PBUH) used to consult others in all matters which require opinions. The other is that he consulted women also, his wife Um Salama, in this case, to show that Islam gives high consideration to women, who have esteemed position, and that Islam does not do women any injustice as the opponents of this religion maintain and pronounce.

9. Recognizing the Supporters of Opponents

Negotiators have to identify the parties that would support them and the extent of support those parties could offer. Thus, Prophet Mohammed (PBUH) was able to define the attitude of the Bedouins when he told them about his decision to go to Umra in the sixth year of the emigration

to Medina. He had invited the Arabs of the desert and other towns to go with the Muslims, but many of them delayed their arrival and then apologized, because they were afraid that their interests might be affected, particularly when they knew that the Meccans would prevent the Muslims from entering the city, and might have war. They thought that accompanying the Muslims in their pursuit would be risky and without any material gain. Only few of the Arabs went with the Prophet. Allah (HBG) has exposed their real attitudes to Prophet Mohammed (PBUH) when He says in the Glorious Koran, ﴿The desert Arabs who lagged behind will say to thee: "We were engaged in (looking after) our flocks and herds, and our families: do thou then ask Forgiveness for us," they say with their tongues what is not in their hearts. Say: "Who then has any power at all (to intervene) on your behalf with Allah, if His Will is to give you some loss or to give you some profit? But Allah is well acquainted with all that ye do. * "Nay, ye thought that the Messenger and the Believers would never return to their families; this seemed pleasing in your hearts, and ye conceived an evil thought, for ye are a people lost (in wickedness)﴾⁵⁷.

The above shows that the negotiations of the Treaty of Al-Hudaybiya made possible for Prophet Mohammed (PBUH) to examine the parties that supported him to classify them according to their faith and their readiness to sacrifice for it. A great section of the Muslims as well failed the test. The Prophet's trial went further to test the Muslims' obedience and their integration. That is the reason why he favored those who shaved their heads to those who only had their hair cut, because the latter were skeptical of the Prophet (PBUH).

10. Exposing the Opposite Parties to Their Supporters

Skill and prudence of negotiators help them to expose their opponents to their supporters, and reveal the contradictions of their attitudes. Prophet Mohammed (PBUH) was able to expose Quraish before their supporters when he proclaimed that he was to come to Mecca for Umra in a peaceful way like any Arab⁵⁸.

Prophet Mohammed (PBUH), when leaving the Medina towards Mecca, proclaimed that he was going to pay tribute to the Sacred House, thus he donned for Umra at Dhul Halifa, marked out the sacrificial animals with garlands, and showed all the symbols that indicate Umra. He realized that however arrogant Quraish were in denying the Muslims the right to visit the Sacred Precincts, the Arabs generally looked at such denial as a sin, because visiting the House was a common right to all. That is why when Quraish sent Al-Hulais to the Muslim camp to see the purpose of Prophet Mohammed (PBUH), he returned even before meeting the Prophet (PBUH), because he saw the Umra symbols, and was

very angry with Quraish threatening them to pull his forces from their alliance if they denied the Muslims the right for Umra. In that way, Prophet Mohammed (PBUH) was able to unveil to the allies of Quraish their arrogance to discredit them. With such tactic, he succeeded in undermining Quarish and creating disagreement between them and their supporters. The effect of that was made even greater when Prophet Mohammed (PBUH) invited some non-Muslim Arabic tribes to go with him to Umra⁵⁹.

11. Controlling the Losses

The competence of negotiators has a vital role in achieving best results by least loss possible. Prophet Mohammed (PBUH) was able to gain the best results, by his flexible manner, good ethics, and competence in negotiation. He was able to achieve victory without war, which was difficult to comprehend by Bedouin mentality, who believed that victory could not be achieved without war, regardless of the material and immaterial sacrifices that may wreak all parties.

Prophet Mohammed (PBUH) used to honor Allah's (HBG) prohibition, to be careful in his actions, to embrace lawful approach with wisdom, and to resort to peace in order to reduce harmful consequences, doing as Allah (HBG) says in the Glorious Koran, ﴿But if the enemy incline towards peace, do thou (also) incline towards peace, and trust in Allah: for He is the One that Heareth and Knoweth (all things).﴾⁶⁰. Thus, before the negotiations of Al-Hudaybiya, Prophet Mohammed (PBUH) led his companions in the Prayer in the State of Insecurity (Salat al-Khawf) in Usfan, when he could see the approaching of Quraish cavalry. Then he took a difficult route that led them to a valley at the end of which a turn by Al-Murar brought them to the locality of Al-Hudaybiya, south of Mecca, to avoid any clash with the cavalry.

He felt sorry for the foolishness of Quraish who thought only of war. He expressed his sorrow saying, "Woe to Quraish, war has devoured them! What harm would they have suffered if they had left me and the rest of the Arabs to go our own way? If they should kill me that is what they desire, and if Allah should provide me with victory over them, they would enter Islam in flocks. If they do not do that, they will fight while they have the strength, so what are Quraish thinking of? By Allah, I will not cease to fight for the mission which Allah has entrusted me until He makes it victorious or I perish."

The negotiations of the Treaty of Al-Hudaybiya show that Prophet Mohammed (PBUH) was able to conquer Mecca without war and

bloodshed, and without losses. It is worth mentioning that Bedouin mentality was, and is, unable to comprehend the principles that the Prophet (PBUH) has introduced to human thinking, which are based on the fact that human mind is capable of finding solutions to problems, no matter how complex they are, and can end conflicts through peaceful means, without war. This confirms how much Prophet Mohammed (PBUH) had endured to persuade the Arabs to abandon the adherence to formal and insignificant matters, and had suffered to achieve victory, and deliver the message of Allah (HBG) to humanity⁶¹.

12. Mutual Trust within the Negotiating Group

A study of the negotiations of Al-Hudaybiya shows that there was high confidence and vital honesty between Prophet Mohammed (PBUH) as leader of the negotiating group and his companions. When the Prophet (PBUH) knew that Quraish was terrified when the Muslims camped in Al-Hudaybiya, he wanted to calm them down by sending an envoy who would tell them about his purpose to visit the Sacred House. He asked Omar bin Al-Khattab to go to Quraish, but Omar said, “O Messenger of Allah, I do not have in Mecca any of my tribe to defend me if I were to be hurt, you may send Uthman because his tribe are there”. Prophet Mohammed (PBUH) was convinced by Omar’s suggestion because he was confident of Omar’s frankness and honesty. For that reason, he sent Uthman telling him to say to Quraish, “We are not coming to fight, but our purpose is constructive”, and to invite them to Islam. He also told him to go to some Muslim men and women, who were detained in Mecca, to give them good tidings of the Allah’s (HBG) victory.

13. Seeking Assistance

Clever negotiators, in order to attain their goals, have to seek assistance of others, even if those others have different principles or approaches. However, this should not result in any commitments that may contradict the negotiator’s principles and attitudes. Prophet Mohammed (PBUH), in the negotiations of Al-Hudaybiya, followed this rule when he sought the assistance of some non-Muslim and polytheist tribes, and appointed Bishr Al-Khuza’ee, a polytheist, as their chief.

The Islamic scholar, Ibn Al-Qayim Al-Jawzeya, commented on that incident saying that to seek the assistance of a polytheist who is trustworthy and harmless is allowed when necessary. Bishr Al-Khuza’ee was non-believer at that time, but the advantage was that he was able to communicate with the foes, and know about their movements. This

confirms that it is permissible to consult the allies and benefit from their aid if they prove to be honest, and if they favor the Muslims on others even if those belong to the same faith. It is also permissible to seek the advice of opponents preferring them to other non-believers. This is not to be considered loyalty to the infidels or the enemies of Allah (HBG), but it is to benefit from their experience and to win them, as well as to weaken their assembly and rouse them against one another.

The negotiations of Al-Hudaybiya show that if the infidels, the polytheists, nonbelievers sought help in a matter in which they honor the prohibitions of Allah (HBG) they should be aided, even if they were not helped in other matters which go contrary to divine rulings⁶².

14. Self-Examination

It is generally agreed upon that any human has right to have independent reasoning and believe in any ideas, on condition that this should be based on respecting opposite ideas and beliefs, and should be within the framework of the Law of Allah (HBG). It should also be based on the belief that that reasoning is not absolute rightness, but that opposite opinions could be right as well. Therefore, any human should not turn away from others if they have different opinions, but should seek objectivity, even be as fearless as to abandon one's own ideas if they prove to be incorrect. Rigidity does not mean power, and acceptance of opinions of others does not indicate weakness or defeat.

The negotiations of Al-Hudaybiya shows that Omar bin Al-Khattab was provoked by the terms of Quraish and rejected them vehemently, thinking that to agree to those terms was condescension from Prophet Mohammed's (PBUH) side. However, when he questioned Abu Bakr and then the Prophet (PBUH) about the matter, he found that what the Prophet (PBUH) was doing was advantageous for the Muslims, and the Prophet (PBUH) was fulfilling the will of Allah (HBG). For that reason, he later blamed himself and regretted his ignorance. He was afraid that he sinned against Allah (HBG). This self-examination made Omar ask forgiveness by doing more good deeds. He said later, "I kept praying and fasting, and emancipating slaves for what I said at that time, until I found it to be good". He, and other companions of Prophet Mohammed (PBUH), realized that if making concessions would achieve a long-term benefit, it means the best policy, and that defending principles should be reasonable.

This shows that it is necessary to reflect on one's self and on one's acts, in order to assess them and to correct any inaccuracies or errors. In this regard, Omar bin Al-Khattab said, "Question yourself before you are

held responsible, and weigh your deeds before they are weighed up against you”. This indicates that anyone who makes a mistake should apologize and ask forgiveness, and should not repeat the act.

15. High Opinion of the Righteous

Prophet Mohammed (PBUH) used to dislike pessimism and distrust, and to tend to optimism, because he believed that the latter gives hope and motivates individuals to develop themselves towards more devotion and better human relations. When Suhail approached them to hold the talks, the Prophet (PBUH) told his companions optimistically, “Your affair is made easy”. He also had a good opinion of his she-camel, Al-Quswaa, that he knew she was a nice animal. When they reached Al-Hudaybiya and she stood still, he said, “Al-Quswaa wouldn’t have stopped by itself, since it is not her habit, but she was halted by the same thing that halted the elephant*** before”.

Muslim scholars find it permissible to judge something by what is known of its habit, even if some new behavior may come of it. Thus, if a person does wrong but (s)he is known for being good, that wrong will not be ascribed to him/her, any accusation should be rejected, and the one who ascribes it should be excused because (s)he may be ignorant, according to the rule that says, “find an excuse to your brethren”.

To have good opinion of others does not mean to be fooled, but to rectify their mistakes, and to make good prevail over evil and bad doings. That is because if anyone is to be looked at by the errors (s)he commits, then there will be no good or righteous person in the world. Prophet Mohammed (PBUH) says, “All of you are likely to make mistakes, but the best of you is the one who repents”. Thus, having good opinion of others should be firmly established in all human relations and dealings, such as negotiation, instead of hunting for the faults of others, or leading them to do wrong.

16. Declaring Success in Negotiation

Negotiators have to declare the successes they achieve through negotiations, and to publicize that through a well-organized advertising campaign, in order to give the negotiating group and supporters more confidence in themselves. At the same time, refute the claims of those who are skeptical of the competency of negotiators, and try to shake their mutual trust. This should be done when achieved successes are genuine,

and could not be proved otherwise.

When Prophet Mohammed (PBUH) and his companions were leaving Al-Hudaybiya towards the Medina, he immediately recited to them Al-Fateh (Victory) Sura of the Koran as soon as it was revealed to him after signing the treaty with Quraish. He could not wait to arrive, because he did not want to delay the happiness of Muslims. That Sura proclaimed the victory of the Muslims in the negotiations and gave good tidings of new era for Islam and its future. Prophet Mohammed (PBUH) said to those who accompanied him, “Last night I received a Sura which is the most beloved to me than the whole world”. The revelation of that Sura was like a plain and clear response to those who were skeptical of the treaty and of the competence of Prophet Mohammed (PBUH) in the negotiations⁶³.

17. Utilizing the Opportunities Competently

The milieu in which negotiation takes place provides many facts that indicate challenges and opportunities. Negotiators have to be ready to confront challenges and to make use of opportunities in order to attain desired goals. This indicates that opportunity to attain desired goals is not as important as much as how to make use of it.

The negotiations of Al-Hudaybiya show that Prophet Mohammed (PBUH) was able to utilize the good opportunity provided by the talks, which is to make peace with Quraish for ten years, which was the greatest success, as people of both sides felt secure with each other, and began to communicate. Muslims started to invite polytheists to accept Islam and they recited the Glorious Koran to them. They were also able to debate over religious beliefs without fear of persecution. Prophet Mohammed (PBUH) did not limit his victory to Quraish as a great force in the region, but went further to convert them and other Arabic tribes to Islam. Eventually, he was able to spread Islam outside of Mecca and the Medina⁶⁴.

It is worth mentioning that individuals could be grouped into five categories according to their manner of dealing with opportunities, as the following:

- Individuals for whom opportunities of achieving success are not available and they strive for finding one. Such individuals are considered unfortunate persons.
- Individuals who are provided with many opportunities to achieve success, but they squander them or do not make use of them in proper ways.

- Individuals who are provided with opportunities, and they make use of them effectively, and achieve success. Those are the fortunate and efficient individuals.
- Individuals who wait for opportunities to come.
- Persons who create opportunities and utilize them properly.

It is noticed that the developing countries have little chances for their individuals, and worse than that is that most of individuals there do not utilize available opportunities for many reasons, some of which are beyond their control. While the advanced countries provide many opportunities to their individuals, and those individuals are able to make use of opportunity. This is considered one of the significant aspects of constant development those countries enjoy.

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Additional Notes:

* HBG: the abbreviation of the phrase “He be glorified”

** PBUH: the abbreviation of the phrase “peace and blessings be upon him” for the Prophet Mohammed, and the phrase “peace be upon him” for the rest of the Prophets mentioned in the book. This phrase is added to the names of the Prophets and Messengers of Allah (HBG) to distinguish them from ordinary people and to express veneration and reverence to them.

*** One of the Orthodox Caliphs (successors of Prophet Mohammed (PBUH)), who are, Abu Bakr, Omar bin Al-Khattab, Uthman bin Affan, and Imam Ali bin Abi Talib.

**** Quraish was the tribe to which the [Prophet Mohammed](#) (PBUH) belonged, as well as the tribe that led the initial opposition to his message. Quraish had become a prominent tribe in [Mecca](#) before the birth of Prophet [Mohammad](#) (PBUH) and essentially ruled the city. Before Prophet [Mohammad](#)'s (PBUH) birth, the tribe had split into different clans, each with different responsibilities. There were some rivalries among the clans, but these became especially pronounced during Prophet [Mohammad](#)'s (PBUH) lifetime. Some clan leaders did not appreciate Prophet [Mohammad](#)'s (PBUH) claim of prophethood and tried to silence him by putting pressure on his uncle, [Abu Talib](#).
(<http://en.wikipedia.org/wiki/Quraysh>).

Chapter Two

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Additional Notes:

* The Brethren of Purity ([Arabic](#) *Ikhwan al-Safa*; also translated as Brethren of Sincerity) were an obscure and mysterious [organization](#) of [Arab Muslim philosophers](#) in [Basra](#), [Iraq](#) - which was then the seat of the [Abbasid Caliphate](#) - sometime during the [10th century CE](#). Their [esoteric](#) teachings and philosophy are expounded in an [epistolary](#) style in the [Encyclopedia of the Brethren of Purity](#) (Arabic: *Rasa'il Ikhwan al-safa*) a giant compendium of 52 epistles that would greatly influence later encyclopedias. A good deal of Muslim and Western scholarship has been spent on just pinning down the identities of the Brethren and the century they were active in.

(http://en.wikipedia.org/wiki/Brethren_of_Purity).

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* Arabic societies consider the raven or crow a symbol of bad omen or foolishness. The Wikipedia mentions the following information about the raven: “Crows, and especially [ravens](#), often feature in [European legends](#) or [mythology](#) as [portents](#) or harbingers of doom or [death](#), because of their dark plumage, unnerving calls, and tendency to eat [carrion](#). They are commonly thought to circle above scenes of death such as [battles](#). Their depiction of evil has also led to some exaggeration of their appetite. (<http://en.wikipedia.org/wiki/Crow>).

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5. The Glorious Koran, [An-Nisa’ \(Women\)](#), verse 128.
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Additional Notes:

* Zuhayr, also Zuhair, full name Zuhayr ibn Abî Sûlmâ, b. c. [520](#)-d. c. [609](#), was a [pre-Islamic Arabian poet](#) who lived in the [6th century AD](#). He is considered one of the greatest writer of [Arabic](#) poetry in pre-Islamic times. Zuhayr belonged to the [Muzaynah](#) tribe. His father was a poet. His elder son, [Ka'b bin Zuhayr](#), was also a poet and read poems to [Muhammad](#). His poems can be found in [Hammad ar-Rawiya's](#) anthology, the [Mu'allaqat](#) ("the Suspended"), a collection of pre-Islamic poetry. He was one of the *Seven Hanged Poets* who were reputed to have been honoured by hanging copies of their work in the [Kaaba](#) at [Mecca](#). He was Umar ibn Khattab's favourite poet.

Zuhayr's poetry was written when two [Bedouin](#) tribes ended a longstanding hostility. His poems deal with raids and other subjects of [nomadic](#) desert life. He also wrote [satirical](#) poems and poems about the glory of his tribe, but in his verses he was less satiric than most of his brother poets. He strove to express deep thoughts in simple words, to be clear and by his clear phrases to teach his people high and noble ideas. He was a man of rank and wealth, the foremost of a family noted for their poetic skill and religious earnestness. In brief, Zuhayr is the gentleman-[philosopher](#) among Arab poets.

(<http://en.wikipedia.org/wiki/Zuhayr>).

** Manshim was an Arabian woman in pre-Islamic era who sold perfumes. The Arabs, when they went to war, used to wash their hands with her perfumes and make pledges that they should rather die in the war than be defeated or withdraw. Thus, people used to refer to the tribes that prepare for war as those who crush the perfume of Manshim. This expression became proverbial for the warring tribes and for enmity in general.

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25. The Glorious Koran, [Al-Hashr \(Exile, Banishment\)](#), verse 9.
26. The Glorious Koran, [Al-A'raf \(The Heights\)](#), verse 31.
27. The Glorious Koran, [Al-Ma'ida \(The Table Spread\)](#), verse 54.
28. The Glorious Koran, [Al-Baqara \(The Cow\)](#), verse 111.
29. The Glorious Koran, [Al-Hijr \(Stoneland, Rock City\)](#), verse 97.
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34. The Glorious Koran, [Al-Baqara \(The Cow\)](#), verse 258
35. The Glorious Koran, [Ta Ha](#), verses 65-66.

Additional Notes:

* (Encarta ® World English Dictionary © & (P) 1998-2005 Microsoft Corporation. All rights reserved).

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18. The Glorious Koran, Al-Qasas (The Story, Stories), verse 77.
19. The Glorious Koran, [Al-Baqara \(The Cow\)](#), verse 201.
20. The Glorious Koran, [An-Nisa’ \(Women\)](#), verse 123.

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46. The Glorious Koran, [Al-Fath \(Victory, Conquest\)](#), verse 27.
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48. The Glorious Koran, [Yunus \(Jonah\)](#), verse [38](#).
49. The Glorious Koran, [An-Nisa' \(Women\)](#), verse 46.
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59. The Glorious Koran, [Al-Jinn \(The Jinn, Sprites\)](#), verse 26.
60. The Glorious Koran, [Luqman](#), verse 34.
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62. The Glorious Koran, [Luqman](#), verse 34.
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According to Islamic terminology, the five rulings or pentad consists of:

- Wajib, obligatory; also known as: *fard*, *rukun*
- Mustahabb / Sunnah, recommended, also known as *fadilah*, *mandub*
- Mubah, neither obligatory nor recommended (neutral)
- Makruh, abominable (abstaining is recommended)
- Haraam, prohibited (abstaining is obligatory)

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Additional Notes:

* “Demonstrability” is the English equivalent to the Arabic word “Hujjeeyah”, which means, “Producing the necessary proof or authority to validate a rule or concept.”

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3. The Glorious Koran, [Al-Hujurat \(The Private Apartments\)](#), verse 13.
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32. The Glorious Koran, [Al-Baqara \(The Cow\)](#), verse 280.
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41. The Glorious Koran, [Al-An'am \(Cattle, Livestock\)](#), verse 108.
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Additional Notes:

* Abou-t-Tayyib Ahmad ibn al-Husayn al-Mutanabbi (915–965) was an [Arab \(Iraqi-born\) poet](#). He is regarded as one of the greatest [poets](#) in the [Arabic language](#). Al-Mutanabbi was born in [Kufah](#), modern [Iraq](#). When the [Qarmatians](#) attacked Kufah in 924 he left with the raiders and lived in the desert with them, learning their dialect of Arabic which, according to the prevailing view of the time, was supposedly closer to [classical Arabic](#). He is known for the poetry of wisdom.

In a famous poem he boasts that his poetry is so powerful that even blind men can read it, and his words are so meaningful that even the deaf can hear them. He also boasts his chivalric qualities of marrying scholarship with courage, fighting abilities:

"I'm known to the horses, the night and the wilderness. I'm known to the sword, the spear, the paper and the plume".

(<http://en.wikipedia.org/wiki/Al-Mutanabbi>)

** The city of Yethrib, about 200 miles north of [Mecca](#) along the [Hejaz](#) (western mountain belt) of the Arabian peninsula. After the Hira, or the migration of the Prophet (PBUH) its name was changed into Al-Madina (the City of the Messenger), by which it is known now.

*** Banu Al-Nadheer: they are the Jews who were in Yethrib and its suburbs (together with the other Jews of the Bani Qaynuqa', the Bani Quraytha).

**** Al-Kheder: he is the man who is mentioned in the Glorious Koran, Sura Al-Kahf (the Cave), who Allah Almighty told Prophet Moses (PBUH) to accompany him to learn from him.

***** Adiyy ibn Hatim was a leader of the Arab tribe of [Tayy](#), and one of the [companions of Muhammad](#). He is the son of [Hatim Tai](#) who was widely known for his chivalry and generosity among Arabs. Adi remained antagonistic to [Islam](#) for about twenty years until he converted to Islam from [Christianity](#) in 630 (9th year of Hijra).

Adiyy inherited the domain of his father and was confirmed in the position by the [Tayy](#) people. A great part of his strength lay in the fact that a quarter of any amount they gained as booty from raiding expeditions had to be given to him.

Adi joined the Islamic army at the time of caliph [Abu Bakr](#). He fought wars of revolt against caliph and also was a commander of the Islamic army sent to invade Iraq under the command of [Khalid ibn al-Walid](#). He also fought on the side of the final [Rightly Guided Caliph](#), [Ali ibn Abi Talib](#), at the [Battle of Camel](#) and [Battle of Siffin](#).

(http://en.wikipedia.org/wiki/Adi_ibn_Hatim)

Chapter Nine

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2. The Glorious Koran, [Ibrahim \(Abraham\)](#), verse 4.
3. The Glorious Koran, Al-Hajj (Pilgrimage), verse 75.
4. The Glorious Koran, [An-Nisa' \(Women\)](#), verse 165.
5. The Glorious Koran, Ta-Ha, verses 43 – 44.
6. The Glorious Koran, An-Nahl (The Bee), verse 125.
7. The Glorious Koran, [Al-Isra' \(The Night Journey\)](#), verse 3.
8. The Glorious Koran, [An-Nisa' \(Women\)](#), verse 125.

9. The Glorious Koran, [An-Nisa' \(Women\)](#), verse 164.
10. The Glorious Koran, [An-Nisa' \(Women\)](#), verse 171.
11. The Glorious Koran, [Al-Qalam \(The Pen\)](#), verse 4.
12. The Glorious Koran, [Saba' \(Sheba\)](#), verse 28.
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25. The Glorious Koran, [Nuh \(Noah\)](#), verse 5.
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101. The Glorious Koran, [Al 'Imran \(The Family Of 'Imran\)](#), verse 49.
102. The Glorious Koran, [Al-Ma'ida \(The Table Spread\)](#), verses 114 – 115.
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Additional Note:

* Messengers of Inflexible Purpose: are the messengers who persevere with patient firmness of purpose in persuading their people to accept the messages of Allah.

Chapter Ten

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10. The Glorious Koran, [Al-Baqara \(The Cow\)](#), verse 35.
11. The Glorious Koran, [Al-Ma'ida \(The Table Spread\)](#), verse 110.
12. The Glorious Koran, Hud, verse 46.
13. The Glorious Koran, [Al-A'raf \(The Heights\)](#), verse 144.
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17. The Glorious Koran, [An-Nur \(Light\)](#), verse 63.
18. The Glorious Koran, [Al-A'raf \(The Heights\)](#), verse 138.
19. The Glorious Koran, [Al-Ma'ida \(The Table Spread\)](#), verse 112.
20. The Glorious Koran, Hud, verse 53.
21. The Glorious Koran, [Al-Hijr \(Stoneland, Rock City\)](#), verse 72.
22. The Glorious Koran, [Al-Ahzab \(The Coalition, The Combined Forces\)](#), verse 56.
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Further Reading

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Additional Notes:

* The Battle of Siffin (May-July 657 CE) occurred during the [First Fitna](#), or First Muslim civil war, with the main engagement taking place from July 26 to July 28. It was fought between [Ali ibn Abi Talib](#) and [Muawiyah I](#), on the banks of the [Euphrates](#) river, in what is now Syria.

(http://en.wikipedia.org/wiki/Battle_of_Siffin)

** Mu'awiyah ibn Abi-Sufyan was born (602 C.E.) into a powerful clan, the [Banu Abd-Shams](#), of the [Quraish](#) tribe. His father, [Abu Sufyan ibn Harb](#), opposed Muhammad before becoming a Muslim after Muhammad conquered Mecca. Muawiyah, along with his father Abu Sufyan, became Muslim at the conquest of Mecca when further resistance to Muslims became an impossibility. Muawiyah fought a protracted campaign against [Ali](#), who marched to the [Euphrates](#) and engaged Mu'awiyah's troops at the famous Battle of Siffin (657).

(http://en.wikipedia.org/wiki/Muawiyah_I)

*** [Abraha](#), the [Pagan](#) (or possibly [Christian](#)) ruler of the [principality](#) of [Saba'](#) in [Yemen](#), marched upon the [Kaaba](#) with a large army, which included one or more [elephants](#), intending to demolish it. However, the elephant is said to have stopped at the boundary around Mecca, and refused to enter. Prophet Mohammed meant that Allah who stopped the elephant has also stopped his she-camel.

(http://en.wikipedia.org/wiki/Year_of_the_Elephant)

Developing negotiation has become one of the requirements of the rapid development of all aspects of life, and of quantitative and qualitative increase of interaction, disagreement, and conflict among individuals, organizations, and states, which result from variation of ideas, needs, and concerns and the clash of interests.

The book is an effort towards developing competence of negotiation performance for individual negotiators as well as negotiating groups, for mediation in negotiation, and skills of communication and persuasion in negotiation, according to the ethics which emphasize respect for the opposite parties, pluralism, and diversity of opinion, and reject all kinds of terrorism and coercion – intellectual, economic, political, and social.
